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REPORT

ON

THE ADMINISTRATION

OF

Civil Justice

IN

THE PRESIDENCY OF MADRAS,

FOR THE YEAR

1881.

Madras:
PRINTED AT THE SCOTTISH PRESS, BY GRAVES, COOKSON AND CO.,
HIGH COURT BULDINGS.

1882.

NOTE.

The statistics for the Administration of Civil Justice in the following Report are furnished in the form prescribed by the Government of India for adoption in the Report for 1881 and subsequent years. The information now presented is much more comprehensive and detailed than that furnished in the Reports for previous years. The new forms and the instructions for their compilation have not, however, been well understood by many of the Courts in the Provinces, and the calls for further information and for explanation of apparent discrepancies, which have been rendered necessary, have tended to delay the submission of this Report beyond the usual period.

HIGH COURT,
MADRAS,
26th September 1882.

T. W.

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BENGAL SECRETARIAT LIBRARY

REPORT

ON

THE ADMINISTRATION OF CIVIL JUSTICE

IN THE

PRESIDENCY OF MADRAS

IN

1881.

HIGH COURT.

HIGH COURT.

Strength of the Court.

The year 1881 opened with the full complement of Judges in the High Court. From 2nd April, the Honorable Mr. Justice Kindersley was absent on a month's privilege leave. Mr. P. P. Hutchins, c. s., Barrister-at-Law, who was appointed to act during Mr. Justice Kindersley's absence, entered upon his duties as Acting Judge on 2nd April.

The Court adjourned for the annual vacation of 2 months on 2nd May.

The Honorable the Chief Justice was vacation Judge from 2nd May to 6th June, and the Honorable Mr. Justice Innes from 2nd June to the end of the adjournment.

The Honorable Mr. Justice Kernan obtained privilege leave for three months with effect from 2nd July 1881, and proceeded to Europe.

Mr. H. J. Tarrant, Barrister-at-Law, who was appointed to act as a Judge of the Court during Mr. Justice Kernan's absence, entered upon his duties on 2nd July. Mr. Justice Kernan resumed his seat on 28th September 1881.

ORIGINAL JURISDICTION.

ORIGINAL JURISDICTION.

Benches and working days.

2. On the Original Side of the High Court (both Civil and Criminal), 447 Benches sat on 193 days during the year under review, as compared with 333 on 188 days in 1880 and 285 on 164 days in 1879.

Sittings.

3. For the hearing of Original Suits, 3 Judges sat together on 3 days, 3 Judges sat separately and simultaneously on 15 days, 2 Judges sat separately and simultaneously on 60 days, 1 Judge sat separately on 115 days; and references to take accounts, &c., occupied one Judge for 68 days. The Insolvent Court work occupied one Judge for 59 days.

Receipts from Court fees.

4. The Receipts from Court fees during the year amounted to Rupees 1,16,128 as against Rupees 1,29,824 in 1880 and Rupees 1,36,994 in 1879. Of this sum, Rupees 41,952 were received on account of Probate and Administration duties as compared with Rupees 40,933 in 1880 and Rupees 62,212 in 1879.

A.—SUITS.

SUITS.

I.—INSTITUTIONS.

Institutions.

Comparison of twenty years' institutions.

5. The number of Suits instituted in 1881 was 494, of which 485 were Ordinary, 7 Testamentary and Intestate, and 2 Matrimonial, Suits. The following table shows how the institutions have fluctuated from year to year since the High Court was established in 1862:—

1862	97	1869	635	1876	457
1863	335	1870	806	1877	561
1864	387	1871	772	1878	516
1865	353	1872	767	1879	526
1866	433	1873	881	1880	518
1867	567	1874	817	1881	494
1868	627	1875	541	...	
				Average...	555

SUITS.

Comparison of twenty years' institutions.

6. In 1862, the year of the formation of the Court, only 97 Suits were filed. In the following five years, the file ranged from 335 to 567, the average per annum for that period being 416. During the next five years, in which the file fluctuated between 627 and 767, the average institution was 721, showing an increase of 73·32 per cent over that for the preceding five years. In 1873, the file rose to 881, the highest number ever instituted in the High Court, being 55·11 per cent over 568, the average for the preceding decade. In the file of 1874, there was only a slight decrease, viz., 64 Suits less or 7·83 per cent of the file of the preceding year. But from the year 1875, the decrease is striking, the institutions varying only from 457 to 561, and the average for the last six years falling short of that for the preceding 7 years by 238 Suits or 31·49 per cent. This falling off may, with considerable confidence, be attributed, in great part, to the operation of the scale of fees prescribed in August 1874 with the object of diminishing the number of Small Causes till then largely instituted in the High Court.

Suits of 1881 classified according to subject-matter.

7. The Suits instituted in 1881 may be classified thus :—

47	Suits for possession of immoveable property.
4	„ for declaratory decrees.
147	„ to declare and establish rights to real property, including pre-emption, foreclosure, &c.
5	„ to declare and establish personal rights.
23	„ for an account.
2	„ for dissolution of marriage (Divorce).
18	„ for partition.
2	„ relating to shipping (Vice-Admiralty).
3	„ relating to religious endowments.
2	„ relating to religion and caste.
2	Administration Suits.
6	Suits for dissolution of partnership.
7	„ under Section 261 of Act X of 1865 (Indian Succession Act).
5	„ under the Specific Relief Act (Act 1 of 1877).
18	Other Suits not falling under any of the previous heads.
203	Suits for specific money claims amounting to Rupees 8,75,859.
Total... 494	

Summary Suits on Negotiable Instruments.

8. Of the 203 Suits for specific money claims, 189 were on contract. Of these, 121 were based on written promises for sums certain, and of this number, only 12 were brought under Chapter XXXIX of the Civil Procedure Code (Summary Procedure on Negotiable Instruments) as against 35 in 1880. The following figures show the variations in the institution of Suits relating to Negotiable Instruments from 1866, the year in which the Legislature provided, by Act V of 1866, a summary procedure in Suits of this class.

1866...	...	1	1872	...	113	1878...	...	47
1867...	...	26	1873	...	138	1879...	...	72
1868...	...	51	1874	...	119	1880...	...	35
1869...	...	59	1875	...	70			
1870...	...	135	1876	...	28	Total	...	1,063
1871...	...	120	1877	...	49	Average	...	71
						1881	...	12

9. In 1866, only one Suit was filed. In the next three years, in which the advantages resulting from the new procedure were apparently not yet widely known to suit-

SUITS — Summary Suits on Negotiable Instruments.

ors, these Suits ranged from 26 to 59, the average per annum for that period being 45. In the following 5 years, viz., 1870 to 1874, they fluctuated between 113 and 138, and the average rose to 125 or nearly three times as high as that for the preceding three years. During the succeeding five years (1875 to 1879), however, in which they only varied from 28 to 72, the average was reduced to as low a figure as 53, showing a decrease by nearly one-half. In the year 1880, Suits of this class were even less than half the number filed in the last preceding year and only about ⅔rds of the average for the previous five years; and, in the year under review, only about ⅓ of the number filed in the preceding year was instituted. The marked decrease in Suits of this class from 1875 is, in a great measure, attributable to the extension, in 1874, of the provisions of Act V of 1866 to the Presidency Court of Small Causes. The table given below shows the effect of this change on the file of the High Court, and illustrates how rarely the summary relief allowed by the Act is now sought by suitors.

Year.	Number of Summary Suits filed.					
	In the High Court.				In the Presidency Court of Small Causes.	Total.
	For sums not exceeding Rs. 1,000.			For sums exceeding Rs. 1,000.		
	For sums of Rupees 500 and under.	For sums above Rupees 500.	Total.			
1	2	3	4	5	6	7
1866	...	...	...	1	...	1
1867	...	1	1	25	...	26
1868	1	1	2	49	...	51
1869	11	6	17	42	...	59
1870	28	19	47	88	...	135
1871	22	34	56	64	...	120
1872	20	20	40	78	...	118
1873	24	25	49	89	...	138
1874	12	14	26	93	...	119
1875	2	5	7	63	34	104
1876	...	3	3	25	51	79
1877	...	9	9	40	42	91
1878	...	2	2	45	19	66
1879	1	4	5	67	14	86
1880	2	3	5	30	41	76
Total .	123	146	269	794	201	1,264
Average...	8	10	18	53	34	84
Compare 1881...	...	...	...	12	26	38

10. During the first four years after the coming into force of Act V of 1866, the number of Suits of this class instituted in the High Court for sums of Rupees 1,000 and under was 20, giving an average of 5 per annum. During the succeeding five years, they ranged between 26 and 56, and the average rose as high as 44 or nearly 9 times the previous average. During the six years commencing from 1875, the average fell off from 44 to as low a figure as 5. The diminution is more than accounted for by the number of Suits of this class (averaging 42 per annum) instituted during the same period in the Presidency Small Cause Court. During the period in question, the number of 'negotiable instrument' Suits instituted in the High Court was only 31 as against 201 in the Court of Small Causes. Whether even this small number would have been filed in the High Court but for the presumed disadvantage of not being able to proceed against immoveable property in satisfaction of Small Cause Court decrees may

SUITS.

Summary Suits on Negotiable Instruments.

perhaps be doubted. It is certainly worthy of remark that, in the year under review, being the first year after the promulgation of the High Court's decision that the Presidency Small Cause Court might under the Civil Procedure Code transfer its decrees to the High Court for execution, Suits on negotiable instruments of the lower amount have disappeared entirely from the High Court's file.

Other classes of Suits.

11. Of the 147 Suits shown under the head " to declare and establish rights to real property, including pre-emption, foreclosure, &c.", 125 related to mortgage of immoveable property. Including Suits for declaratory decrees and Suits for partition, in all of which immoveable property was concerned, the total number of Suits relating to immoveable property was 216 or about three-sevenths of the aggregate number instituted. The 203 Suits for specific money claims bear nearly the same proportion to the whole. The remaining 75 Suits are slightly above one-seventh of the total. The table below gives a classification of the institutions of the preceding 6 years under these heads, showing what proportion they bore to the files of the respective years :—

	Suits relating to immoveable property.		Suits for specific money claims.		Other Suits.		Total.
	Number.	Percentage.	Number.	Percentage.	Number.	Percentage.	
1875...	146	26·99	259	47·87	136	25·14	541
1876...	164	35·89	201	43·98	92	20·13	457
1877...	137	24·42	320	57·04	104	18·54	561
1878...	170	32·95	294	56·98	52	10·07	516
1879...	115	21·86	314	59·70	97	18·44	526
1880...	170	32·82	288	55·60	60	11·58	518
Average...	150	28·90	279	53·76	90	17·34	519
Compare 1881....	216	43·73	203	41·09	75	15·18	494

12. In all the previous years noticed in this statement, Suits relating to immoveable property were fewer in number than Suits for specific money claims, the average difference per annum being 129, and the average annual ratio of the former to the latter being that of 1 to 1·86, but in the year under review, the number of Suits relating to immoveable property slightly exceeded those for money, viz., by 13 Suits or 6·40 per cent, being in the ratio of 1 to·94.

13. The percentage of Suits relating to immoveable property to the file in 1881 was higher than in any of the preceding six years, having exceeded that in 1880 by nearly 11, and the average percentage for the last six years by about 15. The proportion of Suits for specific money claims in 1881 fell short of that in 1880 by 14 per cent, and of the average for the preceding six years, by 12 per cent.

14. The following table shows the graded value of the several classes of Suits instituted in 1881 :— SUITS.

Suits of 1881 classified according to value and subject-matter.

Class of Suits.	Not exceeding Rs. 500.	Above Rs. 500 and not exceeding Rs. 1,000.	Above Rs. 1,000 and not exceeding Rs. 2,000.	Above Rs. 2,000 and not exceeding Rs. 2,500.	Above Rs. 2,500 and not exceeding Rs 5,000.	Above Rs.-5,000 and not exceeding Rs 10,000.	Above Rs 10,000 and not exceeding Rs. 50,000.	Above Rs. 50,000 and not exceeding Rs. 1,00,000.	Exceeding Rs. 1,00,000.	Value not ascertained.	Total.
On contract in writing { Under Chapter 39, Civil Pro: Code.	...	...	7	2	3	...	...	...	...	...	} 121
On contract in writing { Others	3	2	51	16	22	9	6	...	...	...	}
On contract not in writing ...	...	...	2	1	1	...	...	...	...	...	4
On account stated	...	1	9	2	4	1	1	1	...	...	19
For money had and received ...	...	...	8	1	4	1	...	...	...	...	14
For price of goods sold... ...	1	1	8	1	3	2	1	...	...	...	17
For wages, work and materials.	...	...	...	...	1	...	...	...	...	...	1
On contract not mentioned above	...	...	5	...	2	3	2	...	...	1	13
For rent	...	...	1	2	...	...	...	...	...	...	3
For moveable property or its value	...	...	2	...	1	1	...	...	...	...	4
For damages	...	...	...	...	3	2	2	...	...	...	7
Relating to mortgage of immoveable property...	31	36	35	6	11	3	2	...	1	...	}
To declare and establish rights to real property, &c.	3	...	2	...	...	...	...	...	...	17	} 147
For recovery of immoveable property	3	5	5	1	2	...	...	...	...	31	47
For declaratory decrees	...	...	...	...	...	...	...	...	...	4	4
For Specific Relief	1	...	1	...	...	...	...	...	...	3	5
To declare and establish personal rights	1	...	1	...	...	...	...	..	...	3	5
For an account	...	...	...	...	...	...	...	...	...	23	23
Relating to religious endowments	...	...	...	...	...	...	...	...	...	3	3
For dissolution of marriage ...	...	...	...	...	...	...	...	...	...	2	2
For partition	1	1	1	...	...	1	...	...	...	14	18
Relating to shipping	...	...	1	..	1	...	...	...	...	...	2
Relating to religion and caste.	...	...	...	...	...	...	...	...	...	2	2
Administration Suits	1	...	...	...	...	...	...	...	...	1	2
For dissolution of partnership...	...	...	...	1	...	...	1	1	...	3	6
Under Section 261, Act X of 1865 and Act XXI of 1870 ...	...	...	3	...	2	1	1	...	...	...	7
Other Suits	...	...	1	...	...	1	...	...	...	16	18
Total ...	45	46	143	33	60	25	16	2	1	123	494

SUITS.

Value of the institutions of 1881 compared with the two preceding years.

15. The following table compares the proportions of Suits of the several grades of value to the numbers filed in the three years, 1879 to 1881:—

Grades of value.	1879.		1880.		1881.	
	Number of Suits.	Percentage to total.	Number of Suits.	Percentage to total.	Number of Suits.	Percentage to total.
Not exceeding Rupees 500	33	6·27	63	12·16	45	9·11
Above Rupees 500 and not exceeding						
„ „ 1,000	54	10·27	59	11·39	46	9·52
„ „ 1,000 „ „ 2,000...	111	21·10	131	25·29	143	28 75
„ „ 2,000 „ „ 2,500...	28	5·32	30	5·79	33	6·68
„ „ 2,500 „ „ 5,000...	77	14·64	84	16·22	60	12·14
„ „ 5,000 „ „ 10,000...	45	8·56	37	7·14	25	5·06
„ „ 10,000 „ „ 50,000...	62	11·79	35	6·15	16	3·24
„ „ 50,000 „ „ 1,00,000...	6	1·14	3	·58	2	·40
Exceeding one lac of Rupees ...	4	·76	2	·39	1	·20
Value not ascertained	106	20·15	74	14·29	123	24·90
Total...	526	100·00	518	100·00	494	100·00

16. Excluding Suits in which the value of the property in litigation cannot be ascertained, only one Suit exceeding 1 lac of Rupees in value was filed in 1881 as against 2 in 1880 and 4 in 1879. In value between Rupees 5,000 and one lac of Rupees, 43 Suits were filed in 1881 as compared with 75 in 1880 and 113 in 1879, showing a decrease of about 43 and 62 per cent respectively. In 1879, the percentage of Suits of this grade of value to the total institution was 21·50: in 1880, it was reduced to 14·50, and in the year under review, it was reduced still further to about 8·50. Unless, however, the value of the property or rights in the unvalued Suits were ascertained, it would be impossible to determine whether there had been any decrease in the value of the property in litigation as compared with the preceding year.

17. About 66 per cent of the total institution in 1881 were Suits under 5,000 Rupees in value as against 71 per cent in 1880 and 57 per cent in 1879. About 54 per cent were under 2,500 Rupees as against 55 per cent in 1880 and 43 per cent in 1879. The number of Suits below 2,000 Rupees in value was 47 per cent, or nearly half the file as in the previous year: the proportion in 1879 was 38 per cent. The number of Suits below 1,000 Rupees in value was 92 as compared with 122 in 1880 and 87 in 1879.

Suits cognizable by a Small Cause Court.

18. Of Suits of a nature cognizable by a Small Cause Court, that is to say, Suits for a specific money claim not exceeding Rupees 1,000, there were in all 8. Of these, 3 were Suits which might properly have been brought in the Presidency Small Cause Court, the amounts claimed being sums between Rupees 500 and Rupees 1,000, and the cause of action having arisen within the Presidency Town. (Section 2, Act XXVI of 1864). In 3 others, although execution was sought against immoveable property, as appears from the proceedings subsequent to decree, the Suits might also, under the decision recorded and communicated by the High Court to the Presidency Court of Small Causes on the 10th April 1880 (Reference in Small Cause No. 9658 of 1876) have been brought in the Small Cause Court. In one of the remaining cases, the Suit could not have been brought in the Small Cause Court, as, though the sum claimed was below Rupees 500, the defendant did not or had not resided within the jurisdiction, as provided in Section 28 of Act IX of 1850. In the remaining case, which was also for a sum not exceeding Rupees 500, the defendant did not at the time of suit reside within the jurisdiction, and it is not possible to ascertain from the record, whether he may not have so resided within the period of 6 months previous to the time of bringing the action as required in Section 28 of the Act of 1850. It would appear, therefore, that in only 6 cases did the High Court in the year under review receive Suits which might have been dealt with by the Presidency Small Cause Court.

SUITS.

Aggregate value.

19. The total value of the subject-matter of the Suits instituted, so far as their value can be ascertained, amounts to Rs. 18,59,000, as compared with 20,53,000 in 1880 and Rupees 31,40,000 in 1879; but it must be borne in mind that more than one-fifth of the Suits were such that their value could not be ascertained; and many of these were suits of great importance.

II.—DISPOSALS.

Disposals.

20. Including 11 Suits restored to the file, 2 withdrawn from District Courts for trial before the High Court, and I remanded on appeal, the number received on the file during the year was 508. These, together with the 246 pending at the end of 1880, made 754 Suits for disposal for 1881 as against 905 for 1880, showing a decrease of 16·69 per cent. Of these, 533 were disposed of, leaving a balance of 221 at the end of the year. The variations from year to year in the work for disposal, disposed of, and in arrear, for the 7 years, 1875 to 1881, will appear from the following table :—

Work of 1881 compared with the six previous years.

Year.	Total for disposal.	Disposed of.	In arrear.	Percentage of disposals to total for disposal.	Percentage of arrears to total for disposal.
1	2	3	4	5	6
1875	1,252	507	745	40·49	59·51
1876	1,202	434	768	36·11	63·89
1877	1,329	681	648	51·25	48·75
1878	1,164	537	627	46·13	53·87
1879	1,153	766	387	66·44	33·57
1880	905	659	246	72·82	27·18
Average...	1,167	597	570	51·16	48·84
Compare 1881...	754	533	221	70·69	29·31

21. Although the number disposed of in 1881 was less than that in 1880 by 126 Suits or 19·12 per cent and less than the average disposals for the last six years by 64 Suits or 10·72 per cent, it comprised a larger number of Suits decided after contest, and exceeded the number received in the year by 25 Suits or 4·69 per cent. The undisposed-of Suits pending at the close of the year have thus been reduced from 246 in 1880 to 221 in 1881.

22. Under the head, 'Total for disposal', the year under review had the lowest file of the period dealt with in the statement, the decrease being 151 Suits or 16·68 per cent as compared with 1880, 413 Suits or 35·39 per cent as compared with the average for the six years, 1875 to 1880, and 507 Suits or 40·2 per cent as compared with the average of the three years preceding 1878. This striking decrease from 1878 is, in a great measure, accounted for by the fact that, in and after the year 1877, steps were taken to get rid of a large number of stale Suits, which had till then swelled the files of the Court, and which for the most part consisted of Suits compromised out of Court or practically abandoned. The same fact also accounts for the years, 1877 to 1880, showing a larger proportion of Suits disposed of without trial than either of the two preceding years or 1881, as will be apparent from the following figures :—

Disposals without trial compared with disposals after contest for the past seven years.

Year.	Disposed of without trial.	Disposed of after trial.	Total.	Percentage of column 2 to column 4.
1	2	3	4	5
1875	112	395	507	22 09
1876	78	356	434	17.98
1877	308	373	681	45·23
1878	202	335	537	37·62
1879	413	353	766	53·92
1880	160	499	659	24·28
Average...	212	385	597	40·04
Compare 1881...	128	405	533	22·14

SUITS.

Mode of disposal.

23. Below is given the general result of the 533 Suits disposed of in 1881:—

Disposed of.		Number.	Percentage.	
Without trial ...	Dismissed for default or want of prosecution	29	22·66	24·02
	Withdrawn with or without leave ...	99	77·34	
		128	100·00	
Without contest...	Compromised	6	4·03	27·95
	Decreed on confession	21	14·09	
	Decreed *ex parte*	121	81·21	
	Dismissed *ex parte*...	1	·67	
		149	100·00	
After contest ...	Decreed for plaintiff in whole or in part.	200	78·13	48·03
	Decreed for defendant	56	21·87	
	By arbitration	...	...	
		256	100·00	
		533	...	100·00

24. Of the 121 Suits decreed *ex parte*, 9 were Suits brought under Chapter XXXIX of the Civil Procedure Code. Of these, 2 were of the file of 1880, and 7 of that of the year under review. Only 21 Suits were decreed on confession as against 53 in 1880 and 44 in 1879.

25. The following table compares these results with those of the preceding six years:—

Disposals of 1881 compared in detail with the previous six years.

Year.	Suits disposed of.				Decreed for plaintiff.	Decreed for defendant.	Percentage.			
	Without trial.	Without contest.	After contest.	Total.			Of Column 2 to Column 5.	Of Column 3 to Column 5.	Of Column 4 to Column 5.	Of Column 7 to Column 6.
1	2	3	4	5	6	7	8	9	10	11
1875...	112	48	352	507	342	53	22·09	8·48	69·42	15·49
1876...	78	20	336	434	288	68	17·97	4·61	77·41	23·61
1877...	308	218	155	681	312	61	45·22	32·01	22·76	19·50
1878...	202	171	164	537	278	58	37·61	31·84	30·54	20.86
1879...	413	189	164	766	808	45	53·91	24·68	21·41	14·61
1880...	160	247	252	659	424	75	24·27	37·48	38·24	17·68
Average ...	212	148	237	597	325	60	35·51	24·79	39·69	18·46
Compare 1881.	128	149	256	533	348	57	24·02	27·94	48·04	36·37

SUITS.

Average duration.

26. The average pendency of Suits between the dates of institution and final disposal was 163 days for contested and 120 days for uncontested cases.

III.—ARREARS.

Arrears. Causes of pendency.

27. The following statement shows the several stages in which the undisposed of Suits stood at the close of the year.

Cause of pendency.	Filed prior to or in 1874.	Filed in 1875.	Filed in 1876.	Filed in 1877.	Filed in 1878.	Filed in 1879.	Filed in 1880.	Filed in 1881.	Total.	Arrears at the close of 1880.
Awaiting issues ...	...	...	...	...	3	8	4	64	79	102
Do. final disposal	...	...	...	...	4	1	4	87	96	88
Part-heard	...	...	...	...	...	2	2	3	7	6
Awaiting Judgment.	...	...	...	...	...	1	1	...	2	13
Under reference ...	2	1	3	3	5	5	14	4	37	37
Total ...	2	1	3	3	12	17	25	158	221	246
Compare 1880...	3	3	4	7	14	40	175	...	...	246

28. At the close of 1881, there were 14 Suits pending, which had been on the files for over 3 years as against 17 at the close of 1880. All these cases were under reference to Chambers for the purpose of taking an account or for administration. The number of Suits that were actually ripe for disposal but were not reached before the end of the year was 42.

IV.—REFERENCES TO CHAMBERS.

References to Chambers.

29. The number of references to take accounts, to make enquiries, &c., pending at the commencement of the year, was 39. The number of fresh references directed by the Court during the year was 15, making a total of 54. Of these, 17 were disposed of, leaving 37 pending at the close of the year. The following statement shows the variations in the work for disposal, disposed of and in arrear, under this head, for the years, 1875 to 1881 :—

Year.	Pending from the previous year.	Received during the year.	Total for disposal.	Disposed of.	Pending at the end of the year.	Percentage of disposals to total for disposal.
1875	46	33	79	35	44	44·30
1876	44	19	63	27	36	42·86
1877	36	19	55	18	37	32·73
1878	37	25	62	15	47	24·19
1879	47	17	64	27	37	42·19
1880	37	20	57	18	39	31·58
Total...	247	133	380	140	240	36·84
Average ...	41	22	63	28	40	36·84
Compare 1881.	39	15	54	17	37	31·48

B.—EXECUTIONS.

EXECUTIONS.

Institutions.

30. The number of applications for execution received during the year was 272, of which 255 were for execution of the decrees of the High Court, 11, for execution of the decrees of the Presidency Court of Small Causes, 5, for execution of the decrees of the up-country Courts, and 1, for execution of a decree of the High Court

EXECUTIONS.

Decrees how satisfied.

at Bombay. These, together with the 39 remaining undisposed of at the close of the previous year, made 311 for disposal. 31 of this number were withdrawn or rejected, and 247 were disposed of, with the following result, leaving 33 undisposed of at the end of the year :—

Number of cases in which satisfaction was obtained through Court in whole or in part...	182
„ adjusted out of Court	26
„ in which execution was wholly infructuous	39
Total ...	247

In 115 out of the said 182 in which satisfaction was obtained through Court, Process had to be issued.

Decrees how executed.

31. Below is given a distribution of these applications according to the mode in which the decrees were executed.

On	8	applications, the Judgment-debtor was imprisoned.
„	27	„ the Judgment-debtor was arrested under Section 396, but released without imprisonment.
„	1	„ possession of moveables was given under Section 259.
„	63	„ possession of immoveables was given under Sections 263 and 264.
„	6	„ moveables were sold.
„	94	„ immoveables were sold.
„	43	„ immoveables were attached but subsequently released under Section 275.

INSOLVENCY.

C.—INSOLVENCY.

Institutions.

32. The number of cases for declaration of Insolvency under the Act for the Relief of Insolvent Debtors filed in 1881 was 138, of which 10 were by persons in prison. This number, together with 93 pending at the close of the previous year, made 231 for disposal. Of these, 22 were dismissed, and in 141, the insolvents were discharged, with allocation in 33 cases. The balance pending at the close of the year was 68. In 142 of the 163 cases disposed of, there were 252 oppositions, 224 of which were contested, 55 by Counsel and 169 by the parties in person. The statement given below compares the work for disposal, disposed of, and in arrear, in the Insolvency Jurisdiction for the years, 1875 to 1881 :—

Work of 1881 compared with the previous six years.

Year.	Number.			Percentage of disposals to total for disposal.	Percentage of arrears to total for disposal.
	For disposal.	Disposed of.	Pending at the end of the year.		
1875	214	152	62	71·03	28·97
1876	202	144	58	71·29	28·71
1877	161	144	17	89·44	10·56
1878	194	140	54	72·16	27·84
1879	209	125	84	59·81	40·19
1880	236	143	93	60·59	39·41
Total ...	1,216	848	368	69·74	30·26
Average ...	203	141	61	69·74	33·26
Compare 1881 ...	231	163	68	70·56	29·44

Persons seeking relief.

33. Of the persons who sought relief in the cases filed in the year, 4 were merchants, 39, formerly merchants or in possession of independent means, 19, Govern-

ment servants, 8, Government Pensioners, and 80, persons employed in private offices or firms by private individuals. INSOLVENCY.

Persons seeking relief.

34. Of the persons who sought relief in the cases disposed of, 7 were merchants, 49, formerly merchants or in possession of independent means, 19, Government servants, 32, Government Pensioners, and 87, persons employed in private offices or firms or by private individuals.

Protection orders, &c.

35. The Insolvent Court also disposed of during the year 92 applications for protection orders and 404 petitions of a miscellaneous nature.

MISCELLANEOUS CASES.

D.—MISCELLANEOUS CASES.

Institutions and disposals.

36. The High Court received and disposed of, during the year, 1,581 Interlocutory applications in Suits, including applications for injunction, for attachment before judgment, and for appointment of receivers.

Pauper petitions.

37. 71 petitions were filed for leave to sue in *formâ pauperis*, making, with the 16 which stood over from 1880, a total of 87 for disposal in 1881; of these, 61 were admitted and are included in the number of Suits stated as filed in the year, 13 were rejected, and 13 remained undisposed of at the close of the year. The table given below compares the work of the Court under this head for the years, 1875 to 1881.

Year.	Pending from the previous year.	Filed in the year.	Total for disposal for the year.	Disposed of during the year.	Pending at the end of the year.	Admitted.	Rejected.	Percentage of petitions admitted to those rejected.
1875	2	30	32	32	...	18	14	56·25
1876	...	40	40	33	7	17	16	51·51
1877	7	31	38	37	1	11	26	29·72
1878	1	33	34	20	14	10	10	50·00
1879	14	37	51	43	8	22	21	51·16
1880	8	63	71	55	16	26	29	47·27
Total...	32	234	266	220	46	104	116	47·27
Average...	5	39	44	37	8	17	19	47·72
Compare 1881...	16	71	87	74	13	61	13	82·43

Petitions for Probate, &c.

38. There were filed, during the year, 108 petitions for Letters of Administration and Probate as against 133 in 1880. These, with the 6 pending from 1880, made 114 for disposal. 100 petitions were disposed of, leaving a balance of 14 at the close of the year.

Claims to attached property.

39. 4 claims to attached property were pending at the close of the previous year. These, together with 12 received during the year, made 16 for disposal. 15 of this number were disposed of, leaving one petition undisposed of at the end of the year.

Other petitions.

40. The High Court also received 28 petitions of various other kinds, viz., petitions for the custody of Lunatics, for the appointment of guardians to infants, for winding up Companies, &c., &c. These, with the 6 petitions which were pending at the close of 1880, made 34 for disposal. Of this number, 17 were disposed of, and 17 remained pending at the end of the year.

(*APPELLATE JURISDICTION*).

Benches and Sittings.

41. On the Appellate Side, 302 Benches sat on 194 days during the year under review, as compared with 332 on 200 days in 1880 and 224 on 175 days in 1879. The slight decrease in the number of sittings in 1881, compared with 1880, is accounted for by the fact that, in 1881, there were 12 Full Benches as against 3 in 1880 and a greater number of sittings on the Original Side in 1881 than in 1880. The following table shows the strength of the several Benches formed in the years, 1879 to 1881.

	Benches consisting of					
	One Judge.	Two Judges.	Three Judges.	Four Judges.	Five Judges.	Total.
1879	18	195	8	...	3	224
1880	60	269	3	...	...	332
1881	43	247	6	3	3	302

42. The figures given in the foregoing table include Criminal Benches, which for the purposes of this report have been reckoned at 66, 28 being presided over by a single judge, 36 by two, and 2 by five.

Receipts from Court fees.

43. The receipts from Court fees during the year amounted to Rupees 84,293, as compared with 82,348 in 1880 and Rupees 64,935 in 1879, and were levied as follows:—

	In 1881.	1880.	1879.
On account of Process fees	Rs. 2,595	2,105	1,910
On account of *ad valorem* fees on Appeals and Second Appeals	Rs. 71,691	74,293	57,611
On account of Miscellaneous fees	Rs. 9,006	5,950	5,414

A.—APPEALS FROM ORIGINAL DECREES.

FIRST APPEALS.

I.—INSTITUTIONS.

Institutions.

44. The number of Appeals from original decrees filed in 1881 was 192 as against 199 filed in 1880, being a decrease of 3·52 per cent, but an increase of 28 per cent over the file of 1879, viz., 150. The following figures show the fluctuations in the institution of appeals in the eleven years ending 1881.

Comparison of the institutions of 1881 with the previous ten years.

1871	152
1872	173
1873	174
1874	133
1875	149
1876	139
1877	158
1878	137
1879	150
1880	199
Total...	1,564
Average...	156
Compare 1881...	192

45. It will be seen that the institutions of 1881, though falling short of the file of 1880 by 7 Appeals or by 3·52 per cent, were more numerous than in any of the nine years preceding 1880, and exceeded the average for the ten years from 1871 by 22·29 per cent.

46. 156 of these Appeals were preferred from original decrees of the Courts in the Mofussil: the remaining 36 were from decrees of a Division Bench of the High Court on its Original Side.

47. The following table distributes, by Districts, the Appeals instituted in each of the years, 1877 to 1881 :— FIRST APPEALS. Institutions of the past five years distributed by Districts.

	1877.	1878.	1879.	1880.	1881.	Average per annum.
Arcot (North)... ...	6	4	5	...	2	3
Arcot (South)... ...	4	2	5	5	5	4
Bellary	1	3	2	2	2	2
Canara (South) ...	5	7	18	9	5	9
Chingleput	2	2	8	15	9	7
Coimbatore	10	...	3	4	2	4
Cuddapah	8	...	4	2	9	5
Ganjam	6	4	4	5	3	4
Godavari	5	5	4	18	7	8
Kistna	3	...	4	3	21	6
Kurnool	2	2	3	3	...	2
Madura	23	8	11	21	16	16
Malabar (North) ...	5	4	3	7	5	5
Malabar (South) ...	11	10	15	12	6	11
Nellore	1	1	1	5	2	2
Nilgiris	...	4	2	...	1	1
Salem	4	2	1	5	8	4
Tanjore (North) ...	6	4	1	17	15	9
Tanjore (South) ...	7	18	16	11	16	14
Tinnevelly	9	14	1	3	6	7
Trichinopoly	12	11	14	6	5	10
Vizagapatam	4	5	7	4	11	6
Madras	24	27	18	42	36	29
Total...	158	137	150	199	192	168
Average per District...	7	6	7	9	8	7

48. To the 156 Appeals filed from the Courts in the Mofussil, Madura, South and North Tanjore contributed the largest proportion. South Malabar fell as much below its average contribution for the past 5 years as Vizagapatam exceeded it. Of the 21 Appeals entered against the Kistna District, 16 belong to one set of connected appeals. Appeals from Tanjore (North and South) show a steady tendency to increase since 1877, the number filed in 1881 being more than double that in 1877. In the year under review, no Appeal has been filed from the Kurnool District. In the case of the remaining Districts, the fluctuations are not considerable and call for no special remark.

49. Grouping the Appeals instituted according to the nature of their subject-matter, we find the following proportions :— Institutions of 1881 classified according to subject-matter.

Class.	Number.	Percentage.
Relating to money or moveables	53	27·60
Relating to title and other suits	139	72·40
Total...	192	100·00

50. Classifying these again according to the value of their subject-matter, we obtain the following result :— The same classified according to value.

Grades of value.	Number.	Percentage.
Above 50 Rupees and not exceeding 100 Rupees,	2	1·04
„ 100 „ „ 500 „	27	14·06
„ 500 „ „ 1,000 „	9	4·69
„ 1,000 „ „ 2,500 „	26	13·54
„ 2,500 „ „ 5,000 „	31	16·15
„ 5,000 „ „ 10,000 „	29	15·11
„ 10,000 „ „ 1,00,000 „	25	13·02
Exceeding 1,00,000 Rupees	3	1·56
Admitting of no money valuation...	40	20·83
Total...	192	100·00

FIRST APPEALS. — Appeals not exceeding Rupees 5,000 in value.

51. Of the 95 Appeals relating to property not exceeding 5,000 Rupees in value, 13 were from decrees in suits heard and determined by the High Court on its Original Side. The remaining 82 were Appeals from decrees in some one of the following classes of suits, viz :—

(i). Suits originally instituted in Courts from which appeals lay to Courts subordinate to the High Court, and subsequently, under the special orders of the High Court, withdrawn from such Courts and heard and determined by Courts from which appeals lay direct to the High Court.

(ii). Suits instituted and tried under special enactments, (*e. g., the Religious Endowments Act XX of* 1863 *and the Land Acquisition Act X of* 1870) by Courts from which appeals lay direct to the High Court.

(iii). Suits in which the property sued for in the Court of First Instance exceeded Rupees 5,000 in value and in which the parties, having partially succeeded, sought in appeal a relief of smaller value.

Appeals exceeding Rupees 5,000 in value.

52. Of the 54 Appeals relating to property above 5,000 and not exceeding 1,00,000 Rupees in value, 6 were from the High Court, Original Side, and 48 from the District and Subordinate Judges' Courts.

53. Of the 3 Appeals above 1,00,000 Rupees, two were from District Courts and one from a Subordinate Judge's Court.

54. There were thus 57 Appeals in all, exceeding Rupees 5,000 in value. Classifying these according to the nature of their subject-matter, we obtain the following result :—

Class.	Number.	Percentage.
From Suits for money or moveable property	16	28·07
„ „ relating to immoveable property	28	49·12
„ „ other Suits	13	22·81
Total...	57	100·00

Unvalued Appeals.

55. 40 Appeals were of a nature which do not admit of a money valuation, such as, suits for declaratory decrees, suits for accounts, and suits for partition of family property.

Aggregate value.

56. The total value of property involved in Appeals instituted during the year amounted to Rupees 14,45,698.

Disposals.

II.—DISPOSALS.

Total for disposal in 1881 compared with the previous ten years.

57. Including 136 pending at the close of 1880, the total number of Appeals from original decrees on the file *for disposal* was 328 as against 316 for 1880. This, as will appear from the following figures, is the highest number on the file since 1871, and is in excess of the average file of the preceding 10 years by 42·50 per cent.

1871	258
1872	278
1873	227
1874	197
1875	188
1876	203
1877	215
1878	192
1879	241
1880	316
Total...	2,315
Average...	231
Compare 1881...	328

58. Of this total, 160 Appeals were disposed of as compared with 180 in 1880, leaving 168 pending at the close of 1881. The modes of disposal are briefly indicated in the following statement. FIRST APPEALS. Mode of disposal.

Disposed of.			No. of Appeals.	Percentage.	
Without trial...			8	100·00	5·00
Without contest	Decree of Lower Court	Confirmed	2	18·18	6·88
		Modified	6	54·55	
		Reversed	2	18·18	
		Remanded	1	9·09	
		Total...	11	100·00	
After contest ...	Decree of Lower Court	Confirmed	71	50·36	88·12
		Modified	37	26·24	
		Reversed	23	16·31	
		Remanded	10	7·09	
		Total...	141	100·00	
		Grand Total...	160	...	100·00

59. The above figures include Appeals from the Original Side. In this class of Appeals, 25 were pending on the 31st December 1880. These, added to the 36 received during the year, made a total of 61 for disposal; and of this number, 42 were disposed of in the following manner, leaving 19 pending at the close of the year. Appeals from the Original Side.

Disposed of.			Number.	Percentage.	
Dismissed for default or want of prosecution			3	100·00	7·14
Without contest ...	Decree appealed from	Confirmed	2	66·67	7·14
		Reversed	1	33·33	
		Total...	8	100·00	
After contest ...	Decree appealed from	Confirmed	17	47·22	85·72
		Modified	11	30·56	
		Reversed	8	22·22	
		Total...	36	100·00	
		Grand Total...	42	...	100·00

60. The following figures show the numbers of Appeals disposed of in the several years from 1871:— Disposals of 1881 compared with the previous ten years.

1871	...	...	153
1872	...	...	225
1873	...	...	163
1874	...	...	158
1875	...	...	124
1876	...	...	146
1877	...	...	160
1878	...	...	115
1879	...	...	124
1880	...	...	180
Total ...			1,548
Average ...			155
Compare 1881 ...			160

FIRST APPEALS.

Disposals of 1881 compared in detail with the previous ten years.

61. The number disposed of in 1881, when compared with that in 1880, shows a decrease of 11·11 per cent, but, when compared with the figures of 1878 and 1879, an increase of 39·13 and 29·76 per cent respectively, and an increase of 3·89 per cent over the average of disposals for the previous ten years, as appears in the following statement.

	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	Total.	Average.	Compare 1881.
Dismissed for default, withdrawn, &c.	2	8	5	7	1	6	9	3	6	14	61	6	8
Decree confirmed ...	95	172	99	101	79	93	91	86	82	95	993	99	73
„ modified or reversed.	56	45	59	50	44	47	60	26	36	71	494	49	79
Total ...	153	225	163	158	124	146	160	115	124	180	1548	154	160

62. The proportion of cases disposed of without trial is lower in 1881 than in 1880 by 42·86 per cent.

Average duration.

63. The average pendency of Appeals from the Courts in the Mofussil was 295 days and of the Original Side Appeals, 214 days. The following statement shows the pendency of contested and uncontested cases in both these classes of Appeals.

Class of Appeals.	Average pendency in days.		
	Of contested Appeals.	Of uncontested Appeals.	Of contested and uncontesetd Appeals taken together.
Appeals from the Mofussil Courts...	309	172	295 } 275
Appeals from the Original Side ...	205	264	214 }

64. The above figures establish that, in the case of Appeals from the Mofussil Courts, the pendency of contested cases was much more protracted than that of uncontested cases, while, in the case of Appeals from the Original Side of the High Court, it was the reverse. In regard to Appeals from the Mofussil Courts, the explanation of the striking difference in pendency between contested and uncontested cases is to be found in the fact that, during the year under review, an unusual amount of preparatory office work, such as translating and printing exhibits and evidence, had to be done in the former class of cases on the application of the parties or their pleaders, while the uncontested cases, in few or none of which were applications made for translating or printing papers, became ripe for hearing in the ordinary course, and were, therefore, disposed of by the Court out of their serial order. In the case of Appeals from the Original Side, the more protracted pendency of uncontested cases is accounted for by the fact that, in two out of the three cases disposed of without contest, the respondents could not be served, and further, and sometimes repeated, notices had to be applied for and issued; on the other hand, where the respondent intended to contest an Appeal, the very first notice was generally served, and the case became speedily ripe for disposal.

FIRST APPEALS.

Average duration.

65. The general average for contested and uncontested Appeals of both the classes was 275 days as against 248 in 1880, showing an increase of 27 days or 10·89 per cent. But for 19 very old Appeals which had been pending from previous years, this average pendency would have fallen to 219 days.

III.—ARREARS.

Arrears.

Arrears of 1881 compared with the previous ten years.

66. The following figures show the variations in the numbers of Appeals remaining undisposed of at the close of the year in the several years from 1871.

1871	...	...	105
1872	...	...	53
1873	...	...	64
1874	...	...	39
1875	...	...	64
1876	...	...	57
1877	...	...	55
1878	...	...	77
1879	...	...	117
1880	...	...	136
		Total...	767
		Average ...	77
		Compare 1881 ...	168

Causes of pendency.

67. Below are given the several stages in which the 168 undisposed-of Appeals stood at the close of the year :—

Judgments reserved	26*
Remitted on issues or further information or record called for ...	30
Postponed by order of Court or on account of death of parties ...	14
Ready to be posted	4
Under translation	13
In the Press	6
Notices not returned	67
Pending admission	8
Total ...	168

Pending Appeals distributed according to the years of institution.

68. The years in which the undisposed-of Appeals were filed are as follows :—

1875 ...	1	1880 ...	29
1878 ...	4 †	1881 ...	126
1879 ...	8	Total ...	168

B.—APPEALS FROM APPELLATE DECREES.

SECOND APPEALS.

I.—INSTITUTIONS.

Institutions.

69. The number of Appeals from appellate decrees, generally described as Second Appeals, filed in 1881, was 1,002 as against 898 in 1880 and 666 in 1879, showing an increase of 11·58 per cent over the institution of 1880 and of 50·45 per cent over that of 1879.

* 25 of these were disposed of before the annual vacation in the beginning of May.

† These have since been disposed of.

SECOND APPEALS.

Institutions of 1881 compared with the previous ten years.

70. The following figures show the variations in the institution of this class of Appeals from 1871 to 1881 :—

1871	...	...	655
1872	...	...	811
1873	...	...	874
1874	...	...	690
1875	...	...	727
1876	...	...	861
1877	...	...	800
1878	...	...	706
1879	...	...	666
1880	...	...	898
		Total...	7,688
		Average...	769
		Compare 1881....	1,002

71. The above figures show that in no year since 1870 has such a large number of Second Appeals been filed as in 1881, the increase in 1881 over the average for the previous ten years being 30·3 per cent.

Institutions of the past five years distributed by Districts.

72. The following table distributes, by Districts, the Second Appeals instituted in each of the years, 1877 to 1881 :—

Districts.	1877.	1878.	1879.	1880.	1881.	Total.	Average per Annum.
Arcot (North)	28	6	6	24	22	86	17
Arcot (South)	45	37	40	82	72	276	55
Bellary	16	19	17	19	16	87	17
Canara (South)	20	13	36	26	51	146	29
Chingleput	22	47	61	30	63	223	45
Coimbatore	17	14	19	20	36	106	21
Cuddapah	19	4	3	26	21	73	15
Ganjam	24	17	9	11	28	89	18
Godavari	33	44	24	97	33	231	46
Kistna	19	51	24	11	25	130	26
Kurnool	9	3	2	2	4	20	4
Madura	136	48	46	43	41	314	63
Malabar (North)	68	52	38	50	64	272	54
Malabar (South)	93	88	91	131	126	529	106
Nellore	7	4	3	8	12	34	7
Nilgiris	...	1	1	2	2	6	1
Salem	13	35	31	23	39	141	28
Tanjore (North)	106	11	67	76	83	704	141
Tanjore (South)		101	71	95	94		
Tinnevelly	62	76	24	55	63	280	56
Trichinopoly	48	20	26	41	65	200	40
Vizagapatam	15	15	22	26	42	120	24
Vizagapatam Agency	...	...	5	...	...	5	1
Total...	800	706	666	898	1,002	4,072	814
Average per District...	35	31	29	39	44	178	37

Institutions of 1881 classified according to subject-matter.

73. Classifying the 1,002 Second Appeals of 1881 according to the nature of their subject-matter, we obtain the following proportions :—

Class.	Number.	Percentage.
Relating to money or moveables...	99	9·88
Under the Rent Recovery Act	79	7·88
Relating to title and other Suits	824	82·24
Total...	1,002	100·00

SECOND APPEALS.

74. Classifying these same suits again according to the value of their subject-matter, we obtain the following result :— Institutions of 1881 classified according to value.

Grades of value.	Number.	Percentage.
Not exceeding 10 Rupees	32	3·19
Above 10 Rupees and not exceeding 50 Rupees ...	185	18·46
„ 50 „ 100 „ ...	129	12·87
„ 100 „ 500 „ ...	352	35·13
„ 500 „ 1,000 „ ...	119	11·88
„ 1,000 „ 2,500 „ ...	90	8·98
„ 2,500 „ 5,000 „ ...	22	2·20
Admitting of no money valuation	73	7·29
Total...	1,002	100·00

75. The total number of Second Appeals for property not exceeding 500 Rupees in value was 698, and these are, with reference to the nature of their subject-matter, distributed as follows :— Second Appeals not exceeding Rs. 500 in value.

Grade of value.	In Suits for money or moveable property.	In Suits for immoveable property.	In other Suits.	Total.	Percentage.
Not exceeding 10 Rupees	...	23	9	32	4·58
Above 10 Rupees and not exceeding 50 Rupees.	...	173	12	185	26·51
„ 50 „ 100 „	9	112	8	129	18·48
„ 100 „ 500 „	13	322	17	352	50·43
	22	630	46	698	100·00

76. The 22 Second Appeals for money or moveables shown in the above statement were Appeals arising in suits, in which the original valuation was above 500 Rupees, but in which, the Lower Courts having granted a part only of the relief sought, Second Appeals were instituted for relief of values as above specified. The 73 Second Appeals, which admitted of no money valuation, were principally Appeals arising in suits for declaratory decrees, for account, for establishment of personal rights, and the like.

77. The total value of property involved in Second Appeals during the year amounted to Rs. 3,93,052. Aggregate value.

II.—DISPOSALS. Disposals.

78. Including 375 Second Appeals which were pending at the end of 1880, the total for disposal was 1,377 as against 1,168 in 1880, being an increase of 17·9 per cent, and, as will appear from the following figures, the largest number since 1871, exceeding the annual average for the previous decade by 369 Appeals or 30·44 per cent :— Total for disposal in 1881 compared with the previous ten years.

1871	1,056
1872	1,110
1873	1,095
1874	1,033
1875	856
1876	1,097
1877	884
1878	881
1879	902
1880	1,168
Total...	10,082
Average...	1,008
Compare 1881...	1,377

SECOND APPEALS.

Mode of disposal.

79. Of these, 769 were disposed of in the following manner as against 793 in 1880, leaving 608 undisposed of at the close of the year.

Disposed of.			Number of Second Appeals disposed of.	Percentage.	
Without trial			146	100·00	18·99
Without contest	Decree of Lower Court	Confirmed...	25	53·19	6·11
		Modified	1	2·13	
		Reversed	16	34·04	
		Remanded...	5	10·64	
			47	100·00	
After contest	Decree o Lower Court	Confirmed	388	67·36	74·90
		Modified	61	10·59	
		Reversed	84	14·58	
		Remanded	43	7·47	
			576	100·00	
		Grand Total ...	769	...	100·00

80. Measured simply by figures, the Second Appeals disposed of in 1881 fall short of the disposals in 1880, but the number disposed of after trial was in each of the years, 1880 and 1881, nearly equal, being 623 in 1881 and 621 in 1880.

Disposals of 1881 compared in detail with the previous ten years.

81. The subjoined table exhibits the work for the years, 1871 to 1881, classified according to the various modes of disposal.

	1871.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	Total.	Average.	1881.
Dismissed for default, withdrawn, &c.... ...	31	27	25	10	17	46	15	14	25	172	382	38	146
Decree confirmed.	572	704	638	720	511	862	558	525	476	423	5,989	599	413
„ modified and reversed.	154	158	89	174	92	105	136	124	131	198	1,361	136	210
Total...	757	889	752	904	620	1013	709	663	632	793	7,732	773	769

Average duration.

82. The average pendency of contested and uncontested Second Appeals was 237 and 111 days respectively. As to the greater length of the pendency of the contested cases, the explanation given in the case of First Appeals from the Mofussil Courts (para. 64 above) applies also to Second Appeals. The general average of the pendency of contested and uncontested Second Appeals was 206 days as compared with 110 in 1880 and 185 in 1879, showing an increase of 87·27 and 11·35 per cent respectively. This increase is, in a great measure, attributable to the fact that, amongst the Second Appeals disposed of in 1881, there were 24 pending for a period ranging from 2 to 4 years and upwards. In most of these, difficult and important questions of Hindu Law or other special matters stood over for the decision of the Full Bench. Omitting from calculation these special cases, the general average of pendency for Second Appeals would have reduced itself to 188 days.

III.—ARREARS.

SECOND APPEALS.

Arrears.

83. The following figures show the number of Second Appeals that remained undisposed of at the close of each of the years, 1871 to 1881 :—

Arrears of 1881 compared with the previous ten years

1871	... ...	299
1872	... ...	221
1873	... ...	343
1874	... ...	129
1875	... ...	236
1876	... ...	84
1877	... ...	175
1878	... ...	218
1879	... ...	270
1880	... ...	375
	Total...	2,350
	Average...	235
	Compare 1881...	608

Causes of pendency.

84. The number of Second Appeals pending at the close of 1881 was about 1½ times in excess of the average of the ten years preceding 1881. The various stages in which the 608 undisposed-of Second Appeals stood on the 31st December 1881 appear in the following statement.—

Judgments reserved	47*
Remitted on issues or further information or record called for	82
Postponed by order of the Court or on account of death of Respondent ...	33
Ready to be posted	101
Under translation	125
In the press	72
Notices not returned	91
Pending admission	57
Total ..	608

85. A scrutiny of the above figures give the following results :—

263 Appeals (being cases remitted on issues or postponed by order of the Court, cases in which notices were not returned, and cases pending admission) were cases which could not have come on for hearing within the year. 197 (under translation and in the press) were cases which the High Court establishment was unable to make ready for hearing owing to the increase already noticed (see para. 64 above) in the preliminary work of translating and printing documents and evidence. The remaining 148 Appeals (judgment-reserved cases and cases ready to be posted) were cases standing over for adjudication.

86. The unsatisfactory results exhibited in the last table are due to the inadequate strength of the Court and its establishment—a subject which has been brought to the notice of the Government in a special communication.

C.— MISCELLANEOUS APPEALS.

MISCELLANEOUS APPEALS.

I.—INSTITUTIONS.

Institutions.

87. The number of Miscellaneous Appeals filed in the year was 204, of which 147 were Appeals against original orders, and 57 against appellate orders. The following statement shows that in no previous year was such a large number

* 41 of these were disposed of before the vacation of 1882.

MISCELLANEOUS APPEALS.

of Appeals of this class filed, the increase over the file of 1880, which, of the ten previous years, had the highest number, being 2·45 per cent, and that over the average for the ten years, 35·09 per cent.

Institutions of 1881 compared with those of the previous ten years.

1871	... ...	149
1872	... ...	147
1873	... ...	112
1874	... ...	127
1875	... ...	127
1876	... ...	122
1877	... ...	130
1878	... ...	83
1879	... ...	116
1880	... ...	199
	Total...	1,312
	Average...	131
	Compare 1881...	204

The same distributed by Districts.

88. Below is given a distribution, by Districts, of the 204 Miscellaneous Appeals filed in 1881 :—

	Number.	Percentage.
Arcot (North)	6	2·94
Arcot (South)	7	3·43
Bellary	...	...
Canara (South)	16	7·85
Chingleput	9	4·41
Coimbatore	7	3·43
Cuddapah	8	3·92
Ganjam	5	2·45
Godavari	11	5·39
Kistna	6	2·94
Kurnool	...	...
Madura	13	6·37
Malabar (North)...	9	4·41
Malabar (South)...	21	10·30
Nellore	4	1·96
Nilgiris	1	·49
Salem	8	3·92
Tanjore (North)	18	8·83
Tanjore (South)	27	13·24
Tinnevelly...	9	4·41
Trichinopoly	9	4·41
Vizagapatam	10	4·90
	204	100·00

The same classified according to subject-matter.

89. The same number classified according to the nature of the orders appealed against gives the following results :—

	Number.	Percentage.
Against orders in execution	60	29·41
Against orders on review	5	2·45
Against orders in Insolvency Jurisdiction	5	2·45
Against orders relating to certificates of heirship	20	9·80
Against remand orders	9	4·41
Against orders of a miscellaneous character	105	51·48
Total...	204	100·00

II.—DISPOSALS.

MISCELLANEOUS APPEALS.

90. Including 80, which were pending at the close of 1880, there were 284 Miscellaneous Appeals on the file for disposal, of which 194 were disposed of with the following result, leaving 90 undisposed of at the end of the year.— Disposals.

Disposed of.			Number.	Percentage.		Mode of disposal.
Without trial			25	100·00	12·89	
Without contest	Order of Lower Court	Confirmed... ...	13	65· 0	10·31	
		Modified	0	...		
		Reversed	7	35·00		
		Total...	20	100·00		
After contest	Order of Lower Court	Confirmed... ...	98	65·77	76·80	
		Modified	6	4·03		
		Reversed	45	30·20		
		Total...	149	100·00		
		Grand Total...	194		100·00	

91. Of the 194 Appeals disposed of as above, 85 related to orders in execution matters, 3, to orders in review, 3, to orders in Insolvency Jurisdiction, 23, to orders relating to certificates of heirship, 10, to remand orders, and 70, to orders of a miscellaneous nature. Disposals classified according to subject-matter.

92. The following comparative statement shows the work done by the High Court under the head of Miscellaneous Appeals during the years, 1871 to 1881 :— Comparison of the past eleven years' work.

Year.	Received in the year.	Total for disposal.	Disposed of.	Pending at the end of the year.
1871 ...	149	180	141	39
1872 ...	147	186	164	22
1873 ...	112	134	107	27
1874 ...	127	154	114	40
1875 ...	127	167	133	34
1876 ...	122	156	141	15
1877 ...	130	145	118	27
1878 ...	83	110	76	34
1879 ...	115	149	95	54
1880 ...	199	253	178	80
1881 ...	204	284	194	90

93. The average pendency of the contested Miscellaneous Appeals was 164 days and of the uncontested 127. The general average for the contested and uncontested cases was 153 days. Average duration.

D.—MISCELLANEOUS CASES.

MISCELLANEOUS CASES.

I.—INSTITUTIONS.

94. There were filed in the year under review 710 Petitions, of which 177 were applications under Section 622 of the Civil Procedure Code: these last, as noticed in the report for 1880, are, with reference to the time they occupy and the substantial relief they procure when successful, often of an important character. They are now separated from the general file of Miscellaneous Petitions and registered as Revision Petitions. Institutions.

MISCELLANEOUS CASES.

95. Distributing the 177 Civil Revision Petitions according to the Districts from which they came, we obtain the following result :—

Revision Petitions distributed by Districts.

	Number.	Percentage.
Arcot (North)	7	3·95
Arcot (South	20	11·31
Bellary	4	2·26
Canara (South)	5	2·82
Chingleput	8	4·52
Coimbatore	5	2·82
Cuddapah	8	4·52
Ganjam	1	·56
Godavari	3	1·70
Kistna	2	1·13
Kurnool	...	...
Madura	17	9·60
Malabar (North)	8	4·52
Malabar (South)	11	6·21
Nellore	3	1·70
Nilgiris	...	...
Salem ...	4	2·26
Tanjore (North)	26	14·69
Tanjore (South)	24	13·57
Tinnevelly	7	3·95
Trichinopoly	6	3·39
Vizagapatam	8	4·52
Total...	177	100·00

Disposals.

II.—DISPOSALS.

96. There were 172 Civil Miscellaneous Petitions undisposed of at the close of 1880. Of these, 55 were applications under Section 622 of the Civil Procedure Code, which, with the 177 filed in the year under review, made 232 Civil Revision Petitions for disposal. Of this number, 162 were disposed of as against 174 in 1880, leaving 70 undisposed of at the close of the year.

97. The total for disposal of the other Civil Miscellaneous Petitions was 650, made up of 117 remaining from 1880 and 533 instituted in 1881. Of these, 512 of the classes given below were disposed of, leaving 138 undisposed of at the close of the year :—

Disposals classified according to subject-matter.

49	for review of judgments,
57	for admission of appeals presented out of time,
6	for amendment of High Court decrees,
6	for admission of appeals to the Privy Council,
27	for leave to appeal in *formâ pauperis*,
22	for security from appellants for respondents' costs,
57	for stay of execution of decrees under appeal,
19	for transfer of suits,
82	for bringing in fresh parties on records,
16	for restoration to file of appeals dismissed for default, and
171	of a miscellaneous character.
512	

98. In 1879, only 265, and in 1880, only 363, Civil Miscellaneous Petitions were disposed of as against 512 in the year under review. The following statement shows,

in detail, the nature of the petitions dealt with in the 3 years, 1879, 1880 and 1881.

MISCELLANEOUS CASES.

Disposals of the past three years classified according to subject-matter.

Subject-matter.	1879.	1880.	1881.	Total.	Average.
For review of judgments	31	54	49	134	45
For admission of appeals presented out of time	56	74	57	187	62
For amendment of decrees	3	6	6	15	5
For admission of appeals to the Privy Council	6	9	6	21	7
For leave to appeal in *formâ pauperis*	10	11	27	48	16
For security from Appellants for Respondents' costs ..	11	13	22	46	15
For stay of execution of decrees under Appeal	13	30	57	100	33
For transfer of suits, &c.	11	15	19	45	15
For bringing fresh parties on record	50	63	82	195	65
For execution of the decrees or orders of the Privy Council...	...	4	...	4	1
For restoration to file of Appeals dismissed for default ...	...	...	16	16	5
Of a miscellaneous character	74	84	171	329	110
Total ...	265	363	512	1,140	379

E.—OTHER WORK.

OTHER WORK.

99. Besides the appeals and petitions above dealt with, the High Court, Appellate Side, disposed of the following work :—

24 Appeals under the Letters Patent from orders made by a single Appellate Bench Judge in appeals and petitions brought for admission,

4 Matrimonial cases referred under Section 17 of the Indian Divorce Act,

20 References from Small Cause Courts under Section 617 of the Code of Civil Procedure,

2 Reference from the Board of Revenue under the Stamp Act,

1 Reference under Regulation 5 of 1804, and

1 Reference from the Presidency Small Cause Court.

100. The following statement shows how the work under this head varied for the past six years.

Comparison of six years' work of other kinds.

	1876.	1877.	1878.	1879.	1880.	1881.
Matrimonial cases	2	...	2	2	1	4
References from Small Cause Courts...	29	17	23	22	16	20
References from the Revenue Board ..	1	...	...	2	2	2
Other References	...	2	1	2	...	2

101. The two following statements show (with reference to para. 18 of Madras Government Order, No. 1650, of 16th July 1879) the statistics of appeals to the Privy Council for 1881.

OTHER WORK.

Appeals to the Privy Council in 1881.

(i).

Appeals to Her Majesty's Privy Council for the year 1881.

Pending at the beginning of the year.	Admitted during the year.			Total for disposal.	Disposed of during the year.						Pending at the close of the year.		
	By the High Court.	By the Privy Council.	Total.		Confirmed.	Modified.	Reversed.	Remanded.	Dismissed for default, withdrawn, or compromised.	Total.	In the Privy Council.	In the High Court under preparation.	Total.
8	3	...	3	11	2	...	1	....	1	4	2	5	7

Applications for leave to appeal to the Privy Council.

(ii).

Applications for leave to appeal to Her Majesty in Council, &c., for the year 1881.

Pending at the beginning of the year.	Received during the year.	Total for disposal.	Disposed of during the year.				Pending at the close of the year.
			Admitted.	Rejected.	Dismissed for default, withdrawn, compromised, or struck off for non-payment of security, &c.	Total.	
5	7	12	5	2	1	8	

F.—APPEALS OF ALL CLASSES.

Comparison of eleven years' Appeals of all classes.

102. Below is given a comparative statement of Civil Appeals of all classes, instituted, disposed of, and pending, for the years, 1871 to 1881:—

Year.	Received.				Disposed of.				Pending at the end of the year.				Percentage of disposals to total for disposal.	Percentage of arrear to disposals.
	Appeals.	Second Appeals.	Civil Mis. Appeals.	Total.	Appeals.	Second Appeals.	Civil Mis. Appeals.	Total.	Appeals.	Second Appeals.	Civil Mis. Appeals.	Total.		
1871	152	655	149	956	153	757	141	1051	105	299	40	444	70·30	42·25
1872	173	811	147	1131	225	889	164	1278	53	221	22	296	81·19	23·16
1873	174	874	112	1160	163	752	107	1022	64	343	27	434	70·19	42·47
1874	133	690	127	950	158	904	114	176	39	129	40	208	84·97	17·69
1875	149	727	127	1003	124	620	133	1877	64	236	34	334	72·42	38·08
1876	139	861	122	1122	146	1013	141	1300	57	84	15	156	89·29	12·00
1877	158	800	130	1087	160	709	118	987	55	175	27	257	79·34	26·04
1878	137	706	83	926	115	663	76	854	77	218	34	329	72·19	38·52
1879	150	666	116	932	124	632	95	851	117	270	54	441	65·87	51·82
1880	199	898	199	1296	180	793	173	1146	136	375	80	591	65·98	51·57
1881	192	1002	204	1398	160	769	194	1123	168	608	90	866	56·46	77·11

ORIGINAL JURISDICTION.

COURTS UNDER THE HIGH COURT.

AT THE PRESIDENCY TOWN.

Presidency Court of Small Causes.

103. The annual statistics for the Presidency Court of Small Causes have under instructions received from the Government of India been submitted to and dealt with by the High Court for the first time in the report of the year under review.

104. The Presidency Court of Small Causes is presided over by 3 Judges, aided by a Clerk of the Court, who, as Judge, exercises judicial functions of a subordinate character. Strength of the Court.

105. The local jurisdiction of the Court is conterminous with the Municipal limits of the Town of Madras, and covers an area of 26·82 square miles, containing a population of 4,05,848 persons. Local Jurisdiction.

106. The total receipts and charges of the Court during the year are detailed below:— Receipts & Charges.

Receipts.			*Charges.*		
(1) Process fees... ...	Rupees	20,472	(1) Refunds...	Rupees	17,238
(2) Other Court fees ...	„	1,01,521	(2) Salaries of Judges and Establishment... ...	„	80,131
(3) Fines...	„	65	(3) Contingent charges ...	„	761
(4) Stamp duty on bail bonds	„	36			
(5) Unclaimed deposits and stamp duty and penalty levied on documents. ...	„	984	Total...		98,130
			Surplus in favour of the Court	Rupees	33,948
Total...		1,32,078	Total...		1,32,078

107. Items, Nos. (4) and (5), under the head of receipts, are perhaps not strictly judicial. Deducting these, there is still a net surplus of Rupees 32,928 in favour of the Court.

A.—SUITS. SUITS.

I.—INSTITUTIONS.

108. 24,446 Small Causes and 26 Summary Suits on Negotiable Instruments under Chapter XXXIX of the Civil Procedure Code, in all 24,472 Suits, were instituted in 1881. No claims under the Land Acquisition Act No. X of 1870 came before the Court during the year. Institutions.

SUITS.

Institutions of 1881 classified according to subject-matter.

109. Of the Small Causes, 179 were "for immoveable property", evidently for possession, and the remaining 24,267 related to money or moveable property, as shown below:—

On contract in writing	8,529
For goods sold	5,095
On contract not in writing	2,948
For money had and received	2,530
For rent	2,023
On account stated	1,908
For moveable property or its value...	575
For wages, work and materials	531
For damages	90
On breach of contract	38
Total...	24,267

Aggregate and average value.

110. The total value of the 24,446 Small Causes instituted was Rupees 8,83,637, giving an average of Rupees 36 per Suit, and that of the 26 Summary Suits was 8,791, giving an average of Rupees 538 per Suit.

Institutions of 1881 classified according to value.

111. Of the former, 224 exceeded 500 Rupees in value, and apparently include 1 Suit for possession of immoveable property, and the remaining 24,222 are classified below according to grades of value and subject-matter.

Grade of value.	Money or moveable property.	Relating to immoveable property.	Total.
Not exceeding Rs. 10...	11,842	41	11,883
Above Rs. 10 and not exceeding 50 Rs.	8,920	78	8,998
„ „ 50 „ 100 „	1,798	23	1,821
„ „ 100 „ 500 „	1,484	36	1,520
Total...	24,044	178	24,222

112. Of the 26 Summary Suits already mentioned, five were for sums not exceeding Rupees 50, four, Rupees 100, eight, Rupees 500, and nine, Rupees 1,000.

II.—DISPOSALS.

Disposals.

113. Including 2,716 Suits pending at the end of 1880, and 4 taken up for new trial, the total for disposal was 27,192. Of these, 23,742, including the 4 Suits taken up for new trial, were disposed of, as shown below:—

Mode of disposal.

Disposed of.		Number.	Percentage.	
Without trial		2,633	100·00 ...	11·09
Without contest.	Compromised	6,907	39·30	74·02
	Decreed on confession ...	1,984	11·29	
	Do. *ex parte*	8,669	49·33	
	Dismissed *ex parte*... ...	14	00·08	
	Total ...	17,574	100·00	
After contest.	Decreed for plaintiff ...	2,873	81·27	14·89
	Do. for defendant ...	649	18·36	
	By arbitration	13	00·37	
	Total ...	3,535	100·00 ...	
	Grand Total ...	23,742	...	100·00

SUITS.

Mode of disposal.

114. The number of Suits disposed of during the year fell short of the number received on the files by 734, or a little over 3 per cent.

115. It will be observed that the proportion of contested Suits to total disposals amounts to scarcely 15 per cent. 81·27 per cent of the contested cases were decided in favour of plaintiff, and 18·36 in favour of defendant. In very few instances has resort been had to arbitration. 74 per cent or nearly three-fourths of the whole number disposed of were uncontested Suits, and, of the latter, nearly a half (49·33) were decided *ex parte*.

Average duration.

116. The average duration of the cases disposed of after contest was 53 days, and that of the cases decided without contest, 40 days.

III.—ARREARS.

Arrears.

117. There were 3,450 Suits pending at the close of the year. Of these, 832 were pending return of summons; 6 awaited return of commission, and 7, of arbitrator's award; and 2,605 were ready for final disposal. Of the 3,450 pending Suits, 1,978 were pending for only six weeks and under, 530 for between 6 weeks and 3 months, 573 for between 3 and 6 months, 227 for between 6 and 12 months, and the remaining 142 for more than one year. Of these last, the oldest has been on the file for 2,555 days, as many as sixteen summonses having been issued ineffectually against one of the defendants.

Unregistered plaints.

118. At the close of the year, there were no plaints pending registration.

B.—EXECUTIONS.

EXECUTIONS.

Institutions, disposals, &c.

119. 8,804 applications for execution were received during the year. Including 1,472 applications pending at the beginning of 1881, 26 received by transfer and 2,167 revived, the total number for disposal was 12,469. Of these, 8,547 were disposed of after issue of process, satisfaction being obtained through the Court, in full in 7,825 cases, and in part in 722.

Decrees how executed.

120. A further analysis of the modes in which disposals were effected shows that the judgment-debtor was arrested but released in 1,263 cases, and moveable property attached but released in 171, that the judgment-debtor was imprisoned in 446, and moveable property sold in 233, and that execution was otherwise effected in 6,401. In the remaining 33 cases, possession was given of immoveable property.

Amount realized.

121. Rupees 27,381 were realized in Court on account of suitors after issue of process, and Rupees 1,32,703 were monies voluntarily paid into Court, the total amount realized being Rupees 1,60,084.

Average duration.

122. The average duration of the disposed-of applications for execution was 45 days.

Arrears.

123. At the close of 1881, 3,922 applications were pending. Of these, 31 awaited adjudication of claims, and 3,891 were ready for final disposal. There were 1,333 applications pending for more than a year, the oldest of which had been on the file for 699 days, the execution therein against the defendant's salary not having been finally closed,

INSOLVENCY.

C.—INSOLVENCY.

Institutions and disposals.

124. 83 applications for declarations of insolvency were received during the year; of these, 82 were from judgment-debtors under arrest or imprisonment, and 1 from a judgment-debtor at large. These, added to the 18 pending at the beginning of 1881, made 101 for disposal. Of this number, 56 were withdrawn or otherwise not prosecuted, and 26 applications of as many insolvents were granted, 21 being discharged under Section 351 of the Civil Procedure Code without the appointment of a receiver. In the remaining 5 cases, receivers were appointed, and 4 insolvents were discharged under Section 355,

Arrears.

125. At the close of the year, 19 applications relating to 19 persons were left undisposed of, 7 awaiting final disposal, and 12, return of notice. Only 1 application has been pending more than a year.

Amount realized and disbursed.

126. The estates of the four insolvents above referred to were placed in charge of receivers during the year, and one case was in the hands of a receiver from the end of 1880. But in only one of these five cases were proceedings finally closed in the year. Creditors' claims were admitted to the extent of Rupees 3,231, but the amount realized was only 266 Rs., of which 237 Rupees were paid in satisfaction of the claims, leaving Rupees 29 in the hands of receivers at the close of the year.

D.—MISCELLANEOUS CASES.

MISCELLANEOUS CASES.

127. No register of other applications to the Presidency Small Cause Court was kept during the year under review : no statistics regarding such applications are therefore available for embodiment in this report.

CIVIL JUSTICE.

ORIGINAL JURISDICTION.

COURTS UNDER THE HIGH COURT.

IN THE INTERIOR.

ORIGINAL JURISDICTION.

COURTS UNDER THE HIGH COURT.

In the Interior.

Classes of Courts exercising Original Jurisdiction.

128. In 1881, there were eleven classes of Courts exercising original jurisdiction in the interior. These are

(1) Village Munsifs' Courts,
(2) Revenue Courts,
(3) Cantonment Courts of Small Causes,
(4) District Munsifs' Courts,
(5) Courts of Sub-Magistrates as District Munsifs,
(6) Court of the Assistant Judicial Commissioner as District Munsif,
(7) Subordinate Judges' Courts,
(8) Courts of Assistant Agents,
(9) District Courts,
(10) Court of the Judicial Commissioner, and
(11) Courts of Agents to the Governor.

Total institutions.

129. The total institution in all these classes of Courts in 1881 was 2,07,571, being 561 less than in 1880.

130. As pointed out in last year's report, a very small proportion only of Village Munsifs exercise judicial functions, it being optional with suitors, when so advised, to seek the intervention of other tribunals. This being so, the inclusion of the work of these Courts in the statistics of the ordinary Courts might be misleading, and the subject is therefore separately dealt with in the present report.

Village Munsifs' Courts.

VILLAGE MUNSIFS' COURTS.

Statistics not reliable.

131. The returns received under this head are, as usual, incomplete, and even those that have been submitted are stated by the District officers not to be in all cases reliable. Steps have however been taken to secure complete and reliable returns in future years.

Number of working Courts and of suits instituted.

132. There were in all 38,631 Village Munsifs in 1881. Of these, the number that actually exercised Civil powers, is not shown in the returns, but may approximately be taken at 2,293, the figure given in last year's report. 47,656 Suits were instituted in these Courts, being only 2·96 per cent of the total original litigation or slightly in excess of that in 1880.

Number of Courts and of institutions in 1881 compared with the previous ten years.

133. Below are shown the variations from year to year in the total number of Village Munsifs, the number who actually tried Civil Cases, and the total institutions, for the years, 1872 to 1881.

Year.	Village Munsifs.		Percentage of Col. 3 to Col. 2.	Suits instituted.
	Total number.	Number who heard Cases.		
1	2	3	4	5
1872	43,320	1,983	4·57	43,927
1873	44,590	2,059	4·62	50,815
1874	44,822	2,116	4·72	49,309
1875	44,032	2,266	5·14	48,673
1876	44,369	2,373	5·35	53,600
1877	46,253	1,984	4·29	43,906
1878	46,514	2,022	4·35	44,272
1879	46,930	2,047	4 36	45,176
1880	45,661	2,293	5·02	44,980
Total ...	360,830	16,850	4·67	379,678
Average ...	45,104	2,106	4·67	47,460
Compare 1881 ...	38,631	2,293	5·94	47,656
			Average per working Court...	23
			Compare 1881...	21

Institutions of 1881 distributed by Districts

134. The following is a comparative statement showing the distribution, by Districts, of these Suits for the five years, 1877 to 1881.

District.	Average total number of Village Munsifs.	1877.		1878.		1879.		1880.		1881.	
		No. of Village Munsifs who actually exercised jurisdiction.	Suits instituted.	No. of Village Munsifs who actually exercised jurisdiction.	Suits instituted.	No. of Village Munsifs who actually exercised jurisdiction.	Suits instituted.	No. of Village Munsifs who actually exercised jurisdiction.	Suits instituted.	No. of Village Munsifs who actually exercised jurisdiction.	Suits instituted.
Arcot (North)	5,073	194	2,387	165	1.925	155	1,559	165	1,516	165	1,755
Arcot (South)	2,897	49	2,260	49	2,338	46	2,412	58	1,981	58	2,289
Bellary.	2,096	4	89	1	1	1	1	1	3	1	146
Canara (S.)	1,066	...	422	16	467	18	337	14	453	14	377
Chingleput.	2,067	31	520	25	644	39	704	39	591	39	976
Coimbatore. }	1,660	159	1,465	192	1,995	213	2,762	221	2,170	221	2,239
Nilgiris. }	52	3	570	3	297	3	364	3	314	3	367
Cuddapah.	2,219	11	278	20	479	12	426	11	385	11	330
Ganjam ...	2,996	35	560	33	673	45	506	17	465	17	344
Godavari.	1,627	89	1,564	89	1,610	89	1,868	239	4,378	239	5,173
Kistna.	1,812	181	2,047	190	2,070	226	2,746	254	2,856	254	3,467
Kurnool.	885	3	357	3	267	3	203	2	249	2	248
Madura.	8,334	350	9,806	373	9,112	394	8,241	62	8,987	62	6,583
Malabar (N) }	420	9	266	11	245	14	308	410	316	410 }	318
Malabar (S) }		49	1,020	60	1,424	63	1,567	72	1,686	72 }	1,479
Nellore.	1,799	60	640	47	414	49	454	50	788	50	628
Salem.	2,542	117	1,418	131	1,588	113	2,100	08	1,418	108	2,255
Tanjore (N) }	1,685	240	8,556	{ 100	3,781	92	3,439	110	2,743	110	3,396
Tanjore (S.) }				{ 130	6,332	137	6,424	141	5,985	141	6,917
Tnnevelly.	1,080	357	5,123	350	4,589	295	4,924	176	4,923	276	4,085
Trichinopoly.	1,241	19	3,601	16	3,272	26	2,827	214	2,198	14	1,886
Visagapatam...	4,388	24	957	18	749	14	1,004	26	575	26	2,398
Total ...	45,639	1,984	43,906	2,022	44,272	2,047	45,176	2,293	44,980	2,293	47,656
Average upon 21 Districts...	2,188	94	2,091	96	2,108	97	2,151	109	2,142	109	2,269

SUITS.

Value of Suits.

135. The aggregate value of the Suits instituted in these Courts was Rupees 2,98,329, giving an average value of Rupees 6 per Suit.

Disposals.

136. Including 5,686 Suits pending at the end of 1880, the total for disposal in 1881 was 53,342 Suits. Of these, 48,108 were disposed of, leaving 5,234 pending at the close of the year.

1881 compared with the previous ten years.

137. The following statement shows the variations from year to year in the total number of Suits for disposal, disposed of and in arrear, for the 10 years, 1872 to 1881.

Year.	Suits for disposal.	Suits disposed of.	Suits pending.	Percentage of Suits disposed of to those for disposal.
1872	54,540	44,060	10,480	81
1873	61,324	50,439	10,885	82
1874	60,163	49,454	10,709	82
1875	59,271	48,908	10,363	83
1876	63,914	53,895	10,019	84
1877	54,006	44,168	9,838	82
1878	52,467	45,216	7,251	86
1879	52,405	45,929	6,476	88
1880	51,636	45,438	6,198	88
Total...	5,64,449	4,71,615	92,834	83
Average...	56,445	47,161	9,283	83
Compare 1881...	53,342	48,108	5,234	90

Mode of disposal.

138. The following statement shows how these Suits were disposed of.

Disposed of.		Number of Suits disposed of.	Percentage.	
Without trial		9,173	18.81 ...	19·07
Without contest.	Compromised.	10,264	32·23	66·20
	Decreed on confession.	11,641	36·55	
	Do. *ex parte*.	9,399	29·51	
	Dismissed *ex parte*.	546	1·71	
	Total...	31,850	100·00	
After contest.	Decreed for plaintiff...	5,690	80·31	14·73
	Do for defendant.	1,159	16·36	
	By arbitration.	236	3·33	
	Total...	7,085	100·00 ...	
	Grand Total...	48,108	...	100·00

REGULAR COURTS.

SUITS.

REGULAR COURTS.

A.—SUITS.

I.—INSTITUTIONS.

Institutions.

139. The work of the Village Munsifs' Courts having been separately disposed of, that of the regular Courts is treated of below, the review dealing first with all classes of Courts as a whole, and afterwards giving more detailed particulars.

140. 72,395 Ordinary Suits and 87,520 Small Causes, in all, 1,59,915 Suits, were instituted in 1881.

SUITS.

Contribution of the several classes of Courts to total original litigation.

141. The following table exhibits the proportions in which the several classes of regular Courts have contributed to the total institution of original litigation in 1881.

Class of Courts.	Ordinary Suits.	Percentage.	Small Causes.	Percentage.	Total.	Percentage.
Revenue Courts. ...	5,274	7·29	...	...	5,274	3·29
Cantonment Courts of Small Causes. ...	...	...	389	0·44	389	0·24
District Munsifs' Courts. ...	65,493	90·47	76,021	86·86	1,41,514	88·50
Courts of Sub-Magistrates as Dt. Mfs. ...	572	0·79	46	00·05	618	0·39
Court of the Asst. Judl. Commissioner as Dt. Mf.	87	0·12	233	00·27	320	0·20
Subordinate Judges' Courts. ...	596	0·82	10,831	12·88	11,427	7·15
Courts of Assistant Agents. ...	23	0·03	...	...	23	0·01
District Courts. ...	316	0·44	...	...	316	0·20
Court of the Judicial Commissioner. ...	16	0·02	...	...	16	0·01
Courts of Agents to the Governor. ...	18	0·02	...	...	18	0·01
Total...	72,395	100·00	87,520	100·00	1,59,915	100·00

142. From the above, it will be seen that, out of 1,59,915 Suits, 1,42,452 or 89·09 per cent were instituted in the Courts of the District Munsifs. The proportion is slightly in excess of that for 1880. The District Courts, Subordinate Judges' Courts and Cantonment Small Cause Courts have had very nearly the same proportion of institutions as in 1880: Revenue Courts alone exhibit a slightly higher percentage.

Institutions of 1881 compared with the previous ten years.

143. The subjoined statement shows how the number of Ordinary Suits and Small Causes instituted in all the regular Courts of the Presidency varied from year to year, for the years, 1871 to 1881.

Year.	Ordinary Suits.	Small Causes.	Total.
1871	61,227	91,415	152,642
1872	63,624	91,666	155,290
1873	60,489	96,966	157,101
1874	67,092	99,136	166,228
1875	66,963	91,757	158,720
1876	67,159	93,727	160,884
1877	65,650	80,137	145,823
1878	70,238	88,095	158,333
1879	76,973	96,102	173,075
1880	72,348	90,804	163,152
Total ...	671,763	919,485	15,91,248
Average ...	67,176	91,948	1,59,125
Compare 1881 ...	72,395	87,520	1,59,915

SUITS.

144. 1881 shows a decrease, in the total, of 3,237 Suits, as compared with 1880. In Ordinary Suits, there is an increase of 47, and in Small Causes, a decrease of 3,284. Of the previous ten years, 1879 alone exhibits a larger institution of Ordinary Suits; but in Small Causes, 1877, the second year of the famine, is the only one in which a smaller number was instituted. The total institution is about the average, the excess beyond the average in Ordinary Suits being compensated for by an almost equivalent decrease in Small Causes.

Institutions of 1881 compared with the previous ten years.

145. The following is a comparative statement showing the distribution, by Districts, of Ordinary Suits and Small Causes for the five years, 1877 to 1881 :—

Institutions of the past five years distributed by Districts.

District.	Ordinary Suits.					Small Causes.				
	1877.	1878.	1879.	1880.	1881.	1877.	1878.	1879.	1880.	1881.
Arcot (North)	2,728	3,656	5,087	3,633	3,871	2,442	2,422	3,160	3,676	3,254
Arcot (South)	2,425	3,018	3,067	2,826	2,917	4,354	4,740	4,539	3,956	3,972
Bellary	2,442	2 774	2,611	2,073	2,236	1,144	1,901	2,415	2,007	2,027
Canara (South)... ...	3,058	2,675	2,569	2,748	2,880	2,666	2,205	2,230	2,297	2,644
Chingleput	1,940	2,790	2,647	2,952	2,609	1,349	2,114	2,072	2,069	1,881
Coimbatore	2,857	3,311	3,501	3,524	3,456	1,171	1,551	1,584	1,515	1,631
Nilgiris	122	90	141	161	177	248	255	472	360	272
Cuddapah	2,454	2,921	3,260	2,421	2,419	2,210	2,886	3,404	2,278	2,051
Ganjam	2,286	2,294	2,262	2,330	2,446	2,030	2,020	2,297	2,341	2,379
Do. (Agency) ...	443	287	176	107	97	...	...	...	...	...
Godavari...	4,235	4,461	4,678	5,032	4,983	4,887	4,020	6,538	6,529	6,112
Do. (Agency)... ...	...	...	...	...	152	...	...	...	...	...
Kistna	3,373	3,880	4,482	4,577	4,319	3,665	3,975	4,651	4,851	4,575
Kurnool	1,135	1,706	1,983	1,363	1,245	694	1,420	1,698	1,027	1,111
Madura	4,295	3,916	4,132	3,972	3,965	6,283	8,721	8,534	9,024	7,263
Malabar (North) ...	2,886	3,427	3,772	3,670	3,555	11,244	11,333	11,878	11,144	10,732
Malabar (South) ...	8,144	7,675	8,328	8,389	7,775	9,458	9,010	10,043	9,859	8,993
Nellore	2,302	2,822	3,734	2,728	2,829	1,536	1,828	2,817	1,774	1,782
Salem	3,076	3,950	4,111	3,368	3,352	2,925	4,160	3,805	2,604	2,514
Tanjore (N)	5,833	1,833	2,104	2,219	2,068	11,726	4,701	5,393	4,888	5,464
Tanjore (S)		3,222	3,291	3,612	3,768		6,849	7,195	6,895	7,636
Tinnevelly	3,890	3,383	3,905	3,746	3,990	4,833	5,399	5,092	5,372	5,052
Trichinopoly	2,298	2,746	3,378	3,886	3,377	1,996	2,521	2,701	2,559	2,380
Vizagapatam	3,374	3,334	3,440	3,726	3,636	3,314	3,159	3,584	3,779	3,795
Do. (Agency) ...	334	408	314	285	273	...	...	...	...	...
Total...	65,650	70,28	76,973	72,348	72,395	80,173	88,695	96,102	90,804	87,520
Average upon 21 Districts ...	3,126	3,345	3,665	3,445	3,417	3,818	4,195	4,566	4,324	4,168

146. As in 1880, South Malabar, Godavari and Kistna head the list of Ordinary Suits in 1881 also, with 7,775, 4,983 and 4,319 respectively. In Small Causes, North and South Malabar, South Tanjore and Madura show the largest figures, as in 1880, viz., 10,732, 8,993, 7,636 and 7,263 respectively.

147. Kurnool, North Tanjore, Bellary, Cuddapah, Ganjam, Chingleput, Nellore, South Canara and South Arcot have had the smallest files of Ordinary Suits. Of these, the Kurnool file is only a little over one-third of the average. In Small Causes also, Kurnool, Nellore, Chingleput, Bellary and Cuddapah stand very low, the file in the first of these being only a little over one-fourth the average. The Coimbatore file of Ordinary Suits is above the average, but its file of Small Causes is low, being only two-fifths of the average. In Ordinary Suits, there has been an increase in Ganjam from 1877, in South Tanjore from 1878, and in South Canara from 1880. Kurnool, Madura, North Malabar and Salem have been falling off since 1879. The South Malabar file, though smaller than in 1879 and 1880, is higher than in 1878. In Trichinopoly, the file is larger than in 1880 by 491 Suits, and is only less by one than in 1879.

SUITS.

Institutions of the past five years distributed by Districts.

148. In Small Causes, there has been a tendency to rise in South Canara and Ganjam from 1879. On the other hand, Chingleput shows a clear decline from the figures of 1878, and in North Malabar, there has been a falling off from 1878, and in South Malabar from 1879. In Madura, the Small Cause file has fallen short of 1880 by nearly 19½ per cent, while South Tanjore shows an increase over 1880 of 741, or about 9¾ per cent of its file.

Institutions of 1881 classified according to subject-matter.

149. Below is a classification, according to subject-matter, of all the Suits instituted in these Courts in 1881, showing the proportion the number in each class bears to the total.

Class of Suits.			Number.	Percentage.
Suits for money or moveable property.	On contract	in writing	83,282	52·08
		not in writing	15,343	99·5
	Rent		9,521	5·95
	Moveable property or its value		4,062	2·54
	Other Suits		16,337	10·22
Revenue Suits (Madras Act No. VIII of 1865, and Regs. Nos. XII of 1816, IX of 1822 and VI of 1831).			5,274	3·30
Title and other Suits.	Relating to real property		21,379	13·37
	Other Suits		4,717	2·95
		Total...	1,59,915	100·00

150. This shows that more than three-fourths were Suits for money or moveable property, and of these about two-thirds were Suits on contract in writing. Only about one-eighth of the total were Suits for real property, and the proportion of these to Suits for money or moveable property is about 1 to 6.

The same compared by subject-matter with the previous ten years.

151. The subjoined statement shows how the number of Suits of each of the above classes varied from year to year, for the years, 1871 to 1881.

	Suits on contract.			Suits for recovery of personal property.	Rent Suits.	Suits for Real property.	Other Suits.	Revenue Suits.	Total.
	In writing.	Not in writing.	Others.						
1871	79,870	18,606	14,884	3,963	5,519	21,675	5,273	2,854	1,52,644
1872	78,684	19,211	15,060	4,029	6,727	23,985	4,496	3,098	1,55,290
1873	77,672	17,286	15,688	3,738	7,496	27,017	5,111	3 093	1,57,101
1874	79,247	20,367	15,593	4,008	7,945	28,294	5.453	5,321	1,66,228
1875	74,281	20,506	14,735	3,510	6,242	28,777	5,126	5,543	1,58,720
1876	74,676	19,945	15,911	4,191	6,500	29,384	5,932	6,345	1,62,884
1877	64,270	18,786	13,745	3,858	7,994	25,787	4,811	6,572	1,45,823
1878	74,196	18,841	14,621	3,480	7,883	30,030	4,881	4,401	1,58,338
1879	81,633	18,807	15,562	3,552	9,639	33,471	5,254	5,157	1,73,075
1880	75,048	17,737	14,670	3,177	10,435	32,557	4,753	4,775	1,63,152
Total.	7,59,577	1,90,092	1,53,569	37,506	76,380	2,80,977	51,090	47,159	15,93,250
Average.	7,59,58	19,009	15,047	3,751	7,638	28,098	5,109	4,716	1,59,325
Compare 1881.	83,282	15,343	16,337	4,062	9,521	21,379	4,717	52,74	1,59,915

152. With a view to ensure a stricter correspondence with the classification in the revised returns, the figures for the years preceding 1881 have been slightly re-cast. Suits before Village Munsifs' Courts also have been omitted. This table establishes the singular fact that Suits for real property, which had been gradually increasing up to 1880 (Report for 1880, para 56), have, in the year under review, fallen below the lowest figures under this head for the past ten years. The decrease, as compared with 1880, is of 11,178 Suits, and this is in a measure compensated for by a marked increase in Suits on written contract. Rent Suits, which in 1879 and 1880 were instituted more largely than in the previ-

ous years, have in 1881 fallen off from the figures of those two years by 118 and 914 respectively, though they stand higher than the figures for any of the other years preceding. Suits on written contract are in the year under review, to those on unwritten contract, in the proportion of over 5 to 1. SUITS.

153. Of these, 2040 Suits do not admit of a money valuation. The total value of the remaining 1,57,875 Suits instituted in all the regular Courts during the year amounts to Rupees 29,776,728, giving an average value of Rupees 188 per Suit. The returns received up to 1880 showed the value of suits *disposed of*, not of those *instituted* as for 1881; materials are therefore wanting to compare the figures of 1881 with those of previous years. Aggregate and average value.

154. Below is shown the number of Suits instituted in 1881, classified according to their value. Institutions of 1881 classified according to value.

Grade of value.	Number.	Percentage.
Not exceeding 10 Rupees.	19,108	11·95
Above 10 Rupees and not exceeding 50 Rupees...	7,5809	47·41
„ 50 „ 100 „ ...	27,595	17·26
„ 100 „ 500 „ ...	29,962	18·74
„ 500 „ 1,000 „ ...	3,193	1·99
„ 1,000 „ 2,500 „ ...	1,533	0·96
„ 2,500 „ 5,000 „ ...	397	0·25
„ 5,000 „ 10,000 „ ...	134	0·08
„ 10,000 „ 100,000 „ ...	132	0·08
Exceeding 100,000 Rupees	12	0·01
Not capable of being valued	2,040	1·27
	1,59,915	100·00

155. It is worthy of remark that over 95 per cent of the Suits before the regular Courts were under Rupees 500 in value. The number of Suits between Rupees 500 and Rupees 1,000 amounted to only 2 per cent, and between Rupees 1,000 and Rupees 2,500, to 1 per cent; of the remainder, only ½ per cent were of values higher than Rupees 2,500.

II.—DISPOSALS.

156. 74,761 Ordinary Suits and 89, 475 Small Causes, in all, 1,64,236 Suits, were disposed of in 1881. Disposals.

157. The following table exhibits the proportions in which the several classes of Courts have contributed to the total disposals of the year. Contribution of the several classes of Courts.

Class of Courts.	Ordinary Suits.	Percentage.	Small Causes.	Percentage.	Total	Percentage.
Revenue Courts	5,099	6·82	...	...	5,099	3·10
Cantonment Courts of Small Causes	...	...	388	0·43	388	0·24
District Munsifs' Courts...	67,652	90·49	77,889	87·05	1,45,541	88·62
Courts of Sub-Magistrates as Dt. Mfs. ...	651	0·87	45	0·05	696	0·42
Court of the Asst. Judl. Commissioner as Dt. Mf.	61	0·08	243	0·27	304	0·18
Subordinate Judges' Courts	907	1·21	10,907	12·19	11,814	7·19
Courts of Assistant Agents	38	0·05	...	...	38	0·02
District Courts	336	0·45	3	0·01	339	0·21
Court of the Judicial Commissioner	14	0·02	...	...	14	0·01
Courts of Agents to the Governor	3	0·01	...	...	3	0·01
Total...	74,761	100·00	89,475	100·00	1,64,236	100·00

158. The proportions given in this table agree generally with those given under institutions, and it is satisfactory to note that generally the several classes of Courts have been able to dispose of more cases than were received.

SUITS.

159. The work disposed of by the Revenue Courts fell short of the work received before them by 175 Suits, and the Cantonment Courts of Small Causes disposed of only 1 Suit less than the number received on their files. Taking all the Courts together, 2,366 Ordinary Suits, and 1,955 Small Causes, in all 4,321 were disposed of in excess of the number instituted in such Courts.

Arrears.

III.—ARREARS.

160. 20,597 Ordinary Suits and 7,277 Small Causes, in all, 2,7856 Suits, were pending disposal at the close of 1881.

Contribution of the several classes of Courts.

161. The following table exhibits the proportions of arrears to institutions on the files of the several classes of Courts at the close of the year.

Class of Courts.	Ordinary Suits.	Percentage to institutions.	Small Causes.	Percentage to institutions.	Total.	Percentage to institutions.
Revenue Courts. ...	2,000	37·92		...	2,000	37·92
Cantonment Courts of Small Causes ..	...	...	29	7·45	29	7·45
District Munsifs' Courts ...	17,876	27·29	5,709	7·51	23,585	16·67
Courts of Sub-Magistrates as Dt. Mfs. ...	121	21·15	6	13·04	127	20·55
Court of the Asst. Judl. Commissioner as Dt. Mf.	61	70·11	67	28·76	128	40·00
Subordinate Judges' Courts ...	316	53·02	1,466	13·54	1,782	15·59
Courts of Assistant Agents ...	5	21·74	...	...	5	21·74
District Courts ...	186	58·86	...	...	186	58·86
Court of the Judicial Commissioner ...	11	68·75	...	...	11	68·75
Courts of Agents to the Governor ...	3	16·67	...	...	3	16·67
Total...	20,579	28·20	7,277	8·31	27,856	17·42

162. The total arrears are only 17·42 per cent of the total institutions. In the District Munsifs' Courts, where by far the largest number of Suits, amounting to as much as 88½ per cent of the total, has been instituted, the arrears, excluding the Revenue, Cantonment and other special classes of Courts, bear the smallest proportion, viz., 16·67 per cent. to the institutions. The proportion of arrears in the District Courts is highest, being as much as 58·86 per cent.

163. In the Subordinate Judges' Courts, the proportion of arrears to institutions is as low as 15½ per cent.

164. The proportion of arrears in Ordinary Suits compared with that in Small Causes is 5 to 2.

EXECUTIONS.

B.—EXECUTIONS.

I.—INSTITUTIONS.

Institutions.

165. 1,33,030 applications for execution of decrees were received in 1881.

Contribution of the several classes of Courts.

166. The following table exhibits the proportions in which the several classes of Courts have contributed to the work of the year.

Class of Courts.	Number received.	Percentage.
Revenue Courts	478	0·35
Cantonment Courts of Small Causes	173	0·13
District Munsifs' Courts...	1,18,776	89·29
Courts of Sub-Magistrates as District Munsifs	258	0·19
Court of the Assistant Judicial Commissioner as District Munsif	194	0·15
Subordinate Judges' Courts	12,484	9·38
Courts of Assistant Agents	12	0·01
District Courts	641	0·48
Court of the Judicial Commissioner	12	0·01
Courts of Agents to the Governor	2	0·01
Total ...	1,33,030	100·00

167. This table shows that as many as 1,19,228 applications, or a little over 89¼ per cent of the total, were received on the files of the District Munsifs: following these,

but by a long interval, 12,496, or about 9½ per cent, were received by the Subordinate Judges. EXECUTIONS.

168. On the whole, the proportions exhibited in this table approximate those given above for the several classes of Courts in the table relating to Suits (page 37), except that applications for execution of decrees before the Revenue Courts bear a much smaller proportion to the Suits before them. Contribution of the several classes of Courts.

II.—DISPOSALS. Disposals.

169. 1,36,096 applications for execution of decrees were disposed of in 1881.

170. The following table exhibits the proportions in which the several classes of Courts have contributed to the total disposals of the year.

Class of Courts.	Number disposed of.	Percentage.
Revenue Courts.	500	·37
Cantonment Courts of Small Causes.	174	·13
District Munsifs' Courts.	1,22,163	89·76
Courts of Sub-Magistrates as District Munsifs	253	·19
Court of the Assistant Judicial Commissioner as District Munsif.	206	·15
Subordinate Judges' Courts.	11,955	8·78
Courts of Assistant Agents.	17	·01
District Courts.	809	·59
Court of the Judicial Commissioner.	17	·01
Courts of Agents to the Governor.	2	·01
Total...	1,36,096	100·00

Contribution of the several classes of Courts.

171. Here also, as in Suits, by far the largest proportion, viz., over 98 per cent of the total, have been disposed of by District Munsifs and Subordinate Judges. On the whole, 3,066 more cases were disposed of than were received.

III.—ARREARS. Arrears.

172. 20,733 applications for execution of decrees were left undisposed of at the close of 1881.

173. The following table exhibits the proportions of arrears to institutions in the several classes of Courts, for 1881.

Class of Courts.	Number in arrear.	Percentage to institutions.
Revenue Courts	65	13·60
Cantonment Courts of Small Causes	6	3·47
District Munsifs' Courts	18,808	15·83
Courts of Subordinate Magistrates as District Munsifs	68	26·36
Court of the Assistant Judicial Commissioner as District Munsif...	31	15·98
Subordinate Judges' Courts	1,545	12·38
Courts of Assistant Agents	6	50·00
District Courts...	199	31·05
Court of the Judicial Commissioner	5	41·66
Courts of Agents to the Governor	...	...
Total...	20,733	15·51

Contribution of the several classes of Courts.

174. The arrears on the files of the Ordinary Courts were light. In Subordinate Judges' Courts, the proportion was the lowest, being nearly 12½ per cent, and in the District Munsifs' Courts, the proportion was slightly higher (15¾ per cent). In District Courts, however, the arrears were to institutions in the proportion of a little less than 1 to 3.

INSOLVENCY.

O.—INSOLVENCY.

I.—INSTITUTIONS.

Institutions.

175. 535 applications for declarations of insolvency were received in 1881.

176. The following table exhibits the proportions in which the several classes of Courts vested with Insolvency Jurisdiction have contributed to the work of the year.

Contribution of the several classes of Courts.

Class of Courts.	Number received.	Percentage.
District Munsifs' Courts	392	73·27
Court of the Assistant Judicial Commissioner as District Munsif... ...	3	0·56
Subordinate Judges' Courts	120	22·43
District Courts	18	3·36
Court of the Judicial Commissioner	2	0·38
	535	100·00

177. It will be seen that over 73¾ per cent were received on the files of the District Munsifs, and about 22½ per cent on those of the Subordinate Judges: the number on the files of the District Courts was only 20, or as little as 3¾ per cent.

Persons seeking relief.

178. Of the total filed, 1 was an application made by a decree-holder, and 48 were applications from judgment-debtors not under arrest or imprisonment; the remaining 486 were those filed by judgment-debtors under arrest or imprisonment.

Disposals.

II.—DISPOSALS.

179. 499 applications for declarations of insolvency were disposed of in 1881.

Contribution of the several classes of Courts.

180. The following table exhibits the proportions in which the several classes of Courts have contributed to the total disposals of the year.

Class of Courts.	Number disposed of.	Percentage.
District Munsifs' Courts	373	74·75
Court of the Assistant Judicial Commissioner as District Munsif...	4	0·80
Subordinate Judges' Courts	100	22·04
District Courts	11	2·21
Court of the Judicial Commissioner...	1	0·20
Total...	499	100·00

INSOLVENCY.

III.—ARREARS.

Arrears.

181. 136 applications for declarations of insolvency were left undisposed of at the close of 1881.

182. The following table exhibits the proportions of arrears to institutions in the several classes of Courts for the year.

Contribution of the several classes of Courts.

Class of Courts.	Number in arrear.	Percentage to institutions.
District Munsifs' Courts...	98	25·00
Courts of the Assistant Judicial Commissioner as District Munsif ...	...	...
Subordinate Judges' Courts	27	22·50
District Courts	9	50·00
Court of the Judicial Commissoner	2	100·00
Total...	136	25·42

D.—MISCELLANEOUS CASES.

MISCELLANEOUS CASES.

I.—INSTITUTIONS.

Institutions.

183. 2,31,319 miscellaneous applications other than for execution of decrees and declarations of insolvency were received in 1881.

184. The following table exhibits the proportions in which the several classes of Courts have contributed to the miscellaneous work of the year.

Contribution of the several classes of Courts.

Class of Courts.	Number received.	Percentage.
Revenue Courts	2000	0·86
Cantonment Courts of Small Causes	...	...
District Munsifs' Courts	2,00,806	86·81
Courts of Sub-Magistrates as District Munsifs	145	0·0·6
Court of the Assistant Judicial Commissioner as District Munsif ...	66	0·0·3
Subordinate Judges' Courts	18,473	7·99
Courts of Assistant Agents	...	...
District Courts	9731	4·21
Court of the Judicial Commissioner	90	9·03
Courts of Agents to the Governor	8	0·01
Total...	2,31,319	100·000

185. As in all other classes of judicial work, the largest number, viz., 2,01,017 applications, nearly 87 per cent of the total, was received on the files of the District Munsifs, and the next largest number, viz., 18,473, or nearly 8 per cent, was brought before the Subordinate Judges. In the District Courts, however, as many as 9,829 cases, or 4¼ per cent, were filed, being much in excess of the proportion of suits or execution petitions coming before the same class of Courts. The higher proportion of miscellaneous business coming before the District Courts is owing to the exclusive jurisdiction vested in these Courts under special laws, such as Acts XIX of 1841, XXVII of 1860, XX of 1863, &c.

MISCELLANEOUS CASES.

II.—DISPOSALS.

Disposals.

186. 2,30,518 miscellaneous applications other than for execution of decrees and declarations of insolvency were disposed of in 1881.

187. The following table exhibits the proportions in which the several classes of Courts have contributed to the total disposals of the year.

Contribution of the several classes of Courts.

Class of Courts.	Number disposed of.	Percentage.
Revenue Courts.	2,017	0·87
Cantonment Courts of Small Causes	...	...
District Munsifs' Courts	2,00,226	86·86
Courts of Sub-Magistrates as District Munsifs	143	·06
Court of the Asst. Judl. Commissioner as District Munsif ...	62	·03
Subordinate Judges' Courts	18,362	7·97
Courts of Assistant Agents	...	...
District Courts	9,622	4·17
Court of the Judicial Commissioner	78	·03
Courts of Agents to the Governor	8	·01
Total...	2,30,518	100·00

188. This table shows that about 94 per cent of the total was disposed of by District Munsifs and Subordinate Judges; of the remainder, a little over 4 per cent was disposed of by District Judges. On the whole, the disposals fell short of the institutions by 801 only.

Arrears.

III.—ARREARS.

189. 4,968 miscellaneous applications other than for execution of decrees or declarations of insolvency were left undisposed of at the close of 1881.

Contribution of the several classes of Courts.

190. The following table exhibits the proportions of arrears to institutions in the several classes of Courts, for 1881.

Class of Courts.	Number in Arrear.	Percentage to total institutions.
Revenue Courts	101	5·05
Cantonment Courts of Small Causes	...	...
District Munsifs' Courts	3,863	1·92
Courts of Subordinate Magistrates as District Munsifs... ...	2	1·38
Court of the Assistant Judicial Commissioner as District Munsif...	6	9·09
Subordinate Judges' Courts	478	2·59
Courts of Assistant Agents	...	...
District Courts	495	5·09
Court of the Judicial Commissioner...	23	25·56
Courts of the Agents to the Governor	...	...
Total...	4,968	2·15

191. In the Courts, generally, the District Courts excepted, the arrears are light, and in these latter Courts, the work is, as has already been pointed out, of a special character.

I.—Revenue Courts.

192. In the District of Malabar, Suits under Act VIII of 1865 and the Revenue Regulations are not brought before the Revenue Courts. The Collector explains this circumstance as follows :— Strength of Courts.

"Act VIII of 1865 and the Act which preceded it (Regulation V of 1822) have never been worked in Malabar. The Act in its present form is wholly unsuitable to the conditions of the District and could not be put in force without grave injustice to the tenants. Regulation XII of 1816 is never resorted to, because there is no longer any confidence in the impartiality of Panchayats. Regulations IX of 1822 and VI of 1831 are not applicable, or are very rarely applicable, to Malabar. The Amsam Officials are made to give security for good behaviour while in office, and revenue peculations are thus reduced to a minimum. And as to appointments of Amsam Officials, the posts are only *quasi*-hereditary. The Amsam staff was organized in 1822-23, and is not on the footing of village establishments in eastern Districts."

193. Omitting Malabar, there were 101 Revenue Courts in 1881. Of these, 19 were presided over by Collectors, 14 by Sub-Collectors, 39 by Assistant Collectors, and 29 by Deputy Collectors. 12 Collectors, *viz.*, South Arcot, Bellary, South Canara, Coimbatore, Cuddapah, Godavari, Kistna, Madura, Nilgiris, Tanjore, Tinnevelly, and Trichinopoly, and 1 Sub-Collector, 4 Assistant Collectors, and 8 Deputy Collectors, not having exercised jurisdiction, the number of Revenue Courts actually working in 1881 is reduced to 76.

A.—SUITS. SUITS.

I.—INSTITUTIONS.

194. 5,274 Suits were instituted in 1881 in these Courts. Institutions.

195. The following figures show the variations from year to year in the number of Suits instituted in these Courts for the years, 1871 to 1881. Institutions in 1881 compared with the previous ten years.

1871	...	...	2,854	1879	...	...	5,164
1872	...	...	3,093	1880	...	...	4,775
1873	...	...	3,073				
1874	...	...	5,320			Total...	47,070
1875	...	...	5,543				
1876	...	...	6,272			Average...	4,707
1877	...	...	6,570				
1878	...	...	4,401			Compare 1881...	5,274

196. 1881 shows an increase of 499 Suits upon 1880, of 110 upon 1879, and of 567 upon the average of the preceding ten years. The above figures do not, however, all represent Suits under the Rent Recovery Act. They include 1 Suit under Regulation No. XII of 1816, which allows a Revenue Court, in any dispute relating to crops, or to boundaries, occupation, cultivation or irrigation of lands, to record the defendant's acquiescence in the truth of the complaint, or, when the parties are willing, to refer it to the arbitrament of a Village or District Panchayat. These figures include also Suits under Regulations Nos. IX of 1822 and VI of 1831, in which appeals lie to the Board of Revenue and to Government, and not to a Civil Court, and with which, therefore, the High Court is not concerned. The three classes of Revenue litigation abovementioned are distinguished for the first time in the statistics for 1881, with the result, that, out of the 5,274 Suits instituted during the year, 4,176 or 79 per cent were under the Rent Recovery Act, and 1 under Regulation No. XII of 1816, leaving 1,097 under the other Regulations.

SUITS.

Institutions of the past five years distributed by Districts.

197. The following is a comparative statement showing the distribution, by Districts, of these Suits for the 5 years, 1877 to 1881.

District.	1877.	1878.	1879.	1880.	1881.
Arcot (North)	72	207	284	171	244
Do. (South)	116	186	136	46	57
Bellary	33	26	42	33	64
Canara (South)	21	21	34	30	30
Chingleput	408	345	498	772	501
Coimbatore	188	107	38	68	80
Nilgiris	...	...	...	1	...
Cuddapah	19	14	33	48	82
Ganjam	181	191	155	147	163
Godavari	302	246	277	290	301
Kistna	83	72	85	217	176
Kurnool	10	36	43	22	22
Madura	2,144	885	757	624	319
Malabar (North)	...	...	...	...	...
Malabar (South)	...	...	...	...	...
Nellore	14	36	109	138	193
Salem	146	168	241	328	379
Tanjore (North)	603	15	54	36	17
Tanjore (South)		662	600	701	601
Tinnevelly	1,587	289	727	502	823
Trichinopoly	184	318	419	183	786
Vizagapatam	509	567	632	418	480
Total...	6,570	4,401	5,164	4,775	5,274
Average...	365	267	287	251	278

198. As compared with 1880, there has been a marked increase in 1881 in North Arcot, Nellore, Tinnevelly, and Trichinopoly, in the last of which the increase, which chiefly consisted of Rent Suits as more fully explained below, amounts to 603 Suits or over three times the file. Chingleput has 271 fewer Suits than in 1880, the institution of the last-named year in that District being apparently exceptional. South Arcot, Bellary, South Canara, Coimbatore, Cuddapah, Kurnool, and North Tanjore have each contributed a very small proportion of Suits to Revenue Courts.

SUITS.

Institutions of the past five years distributed by Districts.

199. In Nellore and Salem, there has been a steady rise in the files from 1877, as compared with which, those of 1881 are in the proportion of 14 to 1 in the former, and of 5 to 2 in the latter. In Madura, however, a steady decline from 1877 calls for notice, the litigation of 1881 being to that of 1877 in the proportion of 7 to 1. In Ganjam also, a slow but steady falling off is noticeable from 1878.

Institutions of 1881 distributed by classes of Courts.

200. The 4,176 Rent Suits of 1881 mentioned above are distributed below by Districts and classes of Courts :—

District.	Collrs.	Sub-Collrs.	Asst. Collrs.	Dy. Collectors.	Total.
Arcot (North)	1	14	116	27	158
Do. (South)	...	1	16	3	20
Bellary	...	...	...	...	...
South Canara	...	...	27	3	30
Chingleput	99	88	...	307	494
Coimbatore	...	15	13	...	28
Cuddapah	...	1	...	...	1
Ganjam	9	...	116	...	125
Godavari	...	109	89	67	265
Kistna	...	2	120	2	124
Kurnool	...	...	...	...	...
Madura	...	47	196	43	286
Malabar (North)... ...	...	...	...	...	...
Do. (South)... ...	...	...	...	...	...
Nellore	...	33	...	10	43
Salem	...	110	120	149	379
Tanjore (North)... ...	...	15	...	2	17
Tanjore (South)... ...	...	...	601	...	601
Tinnevelly	...	50	220	186	456
Trichinopoly	...	...	90	682	772
Vizagapatam	31	...	346	...	377
Total...	140	485	2,070	1,481	4,176
Average...	8	29	122	87	246
Percentage to total ...	3·35	11·61	49·57	35·47	100·00

201. It will be seen that Trichinopoly has had the largest file of Rent Suits, *viz.*, 772, more than 88 per cent of which were received in the Courts of Deputy Collectors. This the District Judge (Mr. Brandt) attributes chiefly to the circumstance that, one large Zemindari in the District having been broken up into many sub-divisions, and sold by Court auction, a large number of *bonâ-fide* boundary disputes arose, and the parties interested sought the intervention of the Revenue Courts by means of suits brought to compel acceptance of pattas. Next in order come South Tanjore, Chingleput, Tinnevelly, Salem and Vizagapatam, with 601, 494, 456, 379, and 377 Suits, respectivoly. Of the whole, Assistant Collectors received 49·57 per cent, and Deputy Collectors, 35·47 per cent, leaving only 14·96 per cent to be dealt with by the superior Revenue Officials. In only 5 Districts, *viz.*, North Arcot, Chingleput, Ganjam, Nellore, and Vizagapatam, have Suits been instituted in the Collectors' Courts, and this circumstance is no doubt due to the fact that Collectors are, in

SUITS.

most cases, relieved of the special charge of their Taluqs by Junior Officers. In Chingleput, the Collector's Court had for its own share as many as 99 Suits, (*i. e.*), one-fifth of the total institution of the District.

Institutions of 1881 classified according to subject-matter.

202. Below is a classification, according to subject-matter, of all the Rent Suits instituted in 1881, showing the proportion the number in each class bears to the total.

Suits for Pattas or Muchilkas	2,551	61·09
„ relating to distraint	1,256	30·08
„ for damages for extortion, &c.	168	4·02
„ relating to ejectment	92	2·20
Other Suits	109	2·61
Total...	4,176	100·00

The same distributed according to Districts and subject-matter.

203. The following table distributes the Rent Suits by Districts and also according to subject-matter.

District.	Suits for Pattas or Muchilkas.	Suits relating to distraint.	Suits for damages for extortion.	Suits relating to ejectment.	Other Suits.	Total.
Arcot (North)	47	64	43	4	...	158
Arcot (South)	19	1	...	...	...	20
Bellary	...	...	...	...	...	...
Canara (South)	...	18	7	4	1	30
Chingleput	221	243	14	11	5	494
Coimbatore } Nilgiris }	19	9	...	...	...	28
Cuddapah	1	...	...	...	...	1
Ganjam	64	40	4	16	1	125
Godavari	156	82	11	13	3	265
Kistna	5	117	...	1	1	124
Kurnool	...	...	...	...	...	...
Madura	49	229	8	...	...	286
Nellore	18	7	1	1	16	43
Salem	147	149	8	5	70	379
Tanjore (North)... ...	13	4	...	...	...	17
Tanjore (South)... ...	587	5	8	1	...	601
Tinnevelly	336	107	9	..	4	456
Trichinopoly	660	110	...	2	...	772
Vizagapatam	209	71	55	34	8	377
Total ..	2,551	1,256	168	92	109	4,176

204. The bulk of these Suits, viz., 2,551, it will be seen, relate to the enforcement of the acceptance of Pattas and Muchilkas, and the number of such Suits has been the highest in Trichinopoly, South Tanjore and Tinnevelly. Suits relating to distraint are the next largest numerically and aggregate 1,256, and the Chingleput and Madura files exhibit the highest numbers in this class.

Unvalued Suits and aggregate and average value of other suits.

205. 401 Rent Suits have not been estimated at a money valuation; these suits, it has since been ascertained, relate for the most part to disputed claims for rent in kind or by division of produce, and their value should have been computed as provided in clause xi, Section 7 of Act VII of 1870. The total value of the remaining 3,775 Suits is Rupees 2,19651 giving an average value of Rupees 57 per Suit.

206. Below is a distribution of these 3,775 Revenue Suits according to value SUITS.

Grade of value.	Number.	Per-centage.
Not exceeding 10 Rupees	935	24·76
Above 10 Rs. and not exceeding 50 Rs. ...	1,931	51·15
„ 50 „ 100 ...	477	12·65
„ 100 „ 500 ...	387	10·25
„ 500 „ 1,000 ...	32	0·84
„ 1,000 „ 2,500 ...	11	0·29
„ 2,500 „ 5,000 ...	0	0·00
„ 5,000 „ 10,000 ...	1	0·03
„ 10,000 „ 1,00,000 ...	1	0·03
Total...	3,775	100·00

Other suits classified according to value.

207. Nearly one-half of the Suits instituted are between 10 Rupees and 50 Rupees in value. Of the other half, about 50 per cent do not exceed 100 Rupees, and about 25 per cent are between 50 Rupees and 100 Rupees. 45 Suits are between 500 Rupees and 1,00,000 Rupees, and most, if not all, of these, are probably Suits between landholders and persons farming lands under them. The only Suit whose value exceeded 10,000 Rupees was instituted in the Vizagapatam Senior Assistant Collector's Court and was for Rupees 10,738.

II.—DISPOSALS.

Disposals.

208. Including 81 Suits received by remand and 55 re-admitted, the number received during the year on the files of these Courts amounts to 4,312.

209. Including 1,412 Suits pending at the end of 1880, and excluding transfers the net total for disposal was 5,721 Suits. Of these, 4,114 Suits were disposed of, leaving 1,607 pending at the close of the year.

210. The following figures give the general result of the Suits disposed of :— Mode of disposal.

Disposed of.		Number.	Percentage.	
Without trial		1,472	100·00	... 35·78
Without contest.	Compromised	261	34·29	18·57
	Decreed on confession ...	180	23·60	
	Decreed *ex parte*	277	36·11	
	Dismissed *ex parte*	46	6·00	
	Total ...	764	100·00	
After contest.	Decreed for plaintiff	1,081	57·56	45·65
	Decreed for defendant ...	787	41·91	
	By arbitration	10	·53	
	Total ...	1,878	100·00	
	Grand Total ...	4,114	...	100·00

211. A very large proportion of these Suits, amounting to over 45 per cent, was decided after contest, and, of these, only 10 Suits went to arbitration. Of the whole, 1,538 Suits, or 37·38 per cent, were decided in favour of plaintiff, and 833 or 20·25 per cent in favour of defendant.

212. 1,472 Suits or 35·78 per cent were disposed of without trial, including cases withdrawn, or compromised out of Court. Materials are not available for stating in what proportion landholders and tenants were distributed in these Suits as plaintiffs.

SUITS.

Disposals.

213. The following statement compares, in each District, the total number of Suits disposed of with the total filed, and the number of contested Suits disposed of with the total disposals, for 1881.

Distribution by Districts.

District.	Total filed.	Total disposed of.	Total disposed of after contest.	Percentage Col. 4 to Col. 3.
1	2	3	4	5
Arcot (North)	158	120	55	45·83
Arcot (South)	24	21	13	61·90
Bellary	...	...	...	...
Canara (South)	31	33	9	27·27
Chingleput	495	629	234	37·20
Coimbatore	28	29	23	79·31
Cuddapah	1	1	...	...
Ganjam...	127	124	79	63·71
Godavari...	266	240	127	52·92
Kistna	148	124	96	75·00
Kurnool	...	...	...	...
Madura	286	335	145	43·28
Malabar	...	...	...	...
Nellore	43	25	16	64 00
Salem	404	376	176	46·81
Tanjore	630	600	84	14·00
Tinnevelly	502	616	404	65·58
Trichinopoly	791	405	131	32·35
Vizagapatam	378	436	286	65·59
Total ...	4,312	4,114	1,878	43·55

214. On the whole, the total disposed of is less than the total filed by 198 Suits, or 4·59 per cent. In six Districts, more work was disposed of than was received, and, in 5, the disposals very nearly equalled the receipts. In the remaining six Districts, the rate of disposal admits of improvement.

215. In Tinnevelly and Vizagapatam, more Suits appear to have been contested than elsewhere, viz., 404 and 286 out of 616 and 436 respectively, being at the rate of 65·58 per cent. In Tanjore, on the other hand, only 84 out of 600, or 14 per cent, have been contested, and in Chingleput and Madura, the number contested is less than one-half of thetotal disposed of.

Average duration.

216. The average duration of cases disposed of after contest was 108 days and that of cases decided without contest 197 days.

Arrears.

III.—ARREARS.

217. At the close of 1881, there were 1,607 Suits pending disposal, of which 64 were on the files of Sub-Collectors, 888 on those of Assistant Collectors, and 655 on those of Deputy Collectors. The oldest Suit on the Sub-Collectors' files was in the Kistna District and was 671 days old. One Suit on thefile of the Assistant Collector of Tanjore has been awaiting the award of arbitrators for 1,599 days, and one on the file of the Deputy Collector of Nellore was pending final disposal 204 days.

Unregistered plaints.

IV.—UNREGISTERED PLAINTS.

218. 328 plaints were rejected or returned before registration, and 90 were pending registration at the close of the year, the oldest of them having been on the file of the Assistant Collector of Tinnevelly for 115 days.

EXECUTIONS.

B.—EXECUTIONS.

Institutions.

219. 478 applications for execution were received during the year. Including 78 pending at the beginning of 1881, 7 transferred from other Courts, 1 remanded, and 2 re-admitted, the total number for disposal was 566.

EXECUTIONS.

Disposals.

220. Omitting 1 transferred to another Court for execution, the net total for disposal was 565. Of these, 500 were disposed of, 62 being withdrawn or otherwise not prosecuted, or rejected or dismissed, and the proceedings being otherwise finally closed in 438 cases, as shown below:—

Decrees how satisfied.

Number of cases in which satisfaction was obtained through Court in whole or in part	389
„ adjusted out of Court	12
„ in which execution was wholly infructuous	37
Total ...	438

221. Of the 389 cases, in which satisfaction was obtained through Court, process had been issued in 340.

Decrees how executed.

222. Of the 438 cases in which the proceedings were finally closed, moveable property was attached but released in 4, and the remaining 434 cases are distributed below according to the modes in which execution was effected.

Number of cases in which moveable property was transferred or sold...	21
„ „ immoveable do. do. ...	48
„ „ execution was otherwise effected	365
Total ...	434

Amount realized.

223. Rupees 4,953 were realized on account of suitors after issue of process, and Rupees 374 were monies voluntarily paid into Court; the total being Rupees 5,327.

Average duration.

224. The average duration of the disposed of applications for execution was 42 days.

Arrears.

225. 65 applications for execution were awaiting disposal at the end of 1881, and of these 3 were more than a year old.

Unregistered applications.

226. 2 applications were rejected or returned before registration and 56 were pending registration at the close of the year, as many as 53 being on the files of the Deputy Collectors of Madura.

C.—MISCELLANEOUS CASES.

MISCELLANEOUS CASES.

Institutions.

227. 2,000 applications other than for execution of decrees were received during the year. Including 117 pending at the beginning of the year, and excluding transfers, the net total for disposal was 2,118.

Disposals.

228. Of these, 2,017 cases were disposed of as shown below, leaving 101 pending at the close of the year.

Without trial	499
Without contest	1,406
After contest	112
Total ...	2,017

Average duration.

229. The average duration of the cases disposed of after contest was 37 days, and of those decided without contest, 17 days.

Arrears.

230. Of the 101 cases in arrear, 7 were pending for between 3 and 12 months; the oldest case was on the file of the South Canara Collector's Court and had been pending 231 days.

Unregistered applications.

231. 37 applications were rejected or returned before registration, and 5 were pending registration at the close of the year; the oldest of these has been pending 5 days.

II.—Cantonment Courts of Small Causes.

Strength of Courts.

232. There were only two Courts of this description in 1881, one at St. Thomas Mount in the Chingleput District, and the other at Cannanore in North Malabar. The Courts at Bellary, Wellington and Trichinopoly were abolished in the latter part of 1879.

SUITS.

A.—SUITS.

Institutions.

I.—INSTITUTIONS.

233. The number of Suits instituted in 1881 was 389, being 179 fewer than in 1880, or a falling off of nearly 31 per cent.

Institutions of the past five years distributed between the two Courts.

234. The following is a comparative statement showing the distribution, by Courts, of these Suits for the 5 years, 1877 to 1881.

	In 1877	In 1878	In 1879	In 1880	In 1881
Saint Thomas Mount ...	413	458	368	445	312
Cannanore	143	169	160	123	7
	556	627	528	568	389

235. In both the Courts continued in existence, Saint Thomas Mount and Cannanore, there has been a decline: the file of the latter Court for 1881 is only a little over 50 per cent of that for 1877.

Institutions of 1881 classified according to subject-matter.

236. Below is a classification, according to subject-matter, of the Suits instituted in 1881, showing the proportion the number in each class bears to the total.

	Number.	Percentage.		Number.	Percentage.
For money had and received.	220	56·56	For wages...	6	1·54
„ goods sold	88	22·62	On contract not in writing.	4	1·03
„ rent...	22	5·65	For damages	4	1·03
On contract in writing ...	20	5·14			
For moveable property ...	19	4·88	Total...	389	100·00
On account stated	6	1·54			

237. It will be seen that over 50 per cent of the total was for money had and received, and 25 per cent for goods sold.

The same classified according to value.

238. Below is a distribution of these Suits according to value.

Grade of Value.	Number.	Percentage.
Not exceeding 10 Rupees	126	32·39
Above 10 Rupees and not exceeding 50 Rupees ...	188	48·33
„ 50 „ 100 „ ...	51	13·11
„ 100 „ 500 „ ...	24	6·17
Total...	389	100·00

239. 314 Suits, or 80·72 per cent of the total, did not exceed 50 Rupees in value, and there were only 24 Suits of between 100 and 500 Rupees.

Aggregate and average value.

240. The total value of these 389 Suits is Rupees 12,861, giving an average of Rupees 33 per Suit.

II.—DISPOSALS.

SUITS.

Disposals.

241. Including 28 Suits pending at the end of 1880, the total number for disposal during the year on the files of these Courts was 417. Of these, 388 Suits were disposed of, leaving 29 pending at the close of the year.

Work of 1881 compared with the previous seven years.

242. The variations from year to year in the work for disposal, disposed of, and in arrear, for the years, 1874 to 1881, in these two Courts, will appear from the following statement :—

Year.	Number for disposal.	Number disposed of.	Number in arrear.	Percentage of arrears to total for disposal.	Average number disposed of per Court.
1874	515	501	14	2·72	250
1875	505	490	15	2·97	245
1876	555	553	2	0·36	276
1877	558	545	13	2·33	272
1878	640	622	18	2·81	311
1879	546	530	16	2·93	265
1880	584	556	28	4·79	278
Total...	3,903	3,797	106	2.72	271
Average...	557	542	15	2·72	271
Compare 1881...	417	388	29	6·95	194

243. The number disposed of in 1881 is less than in any of the previous 7 years, and the arrears at the close of the year are larger.

Mode of disposal.

244. Below is given the general result of these Suits :—

Disposed of.		Number.	Percentage.	
Without trial		28	100·00 ...	... 7·22
Without contest...	Compromised ...	21	8·30	65·20
	Decreed on confession.	117	46·25	
	Decreed *ex parte* ...	103	40·71	
	Dismissed *ex parte* ...	12	4·74	
		253	100.00	
With contest ...	Decreed for plaintiff ...	96	89·72	27·58
	Decreed for defendant.	11	10·28	
	By arbitration ...	...	...	
Total...		107	100.00	
Grand total...		388	...	100 00

245. It may perhaps be noticed that only 23 Suits, or about 6 per cent of the total, were decided in favour of defendant, and that as many as 117 Suits, the largest item in this table, were decreed on confession. From this, it may be inferred that the claims brought before the Cantonment Courts are generally well-founded, and, when they are such, are acquiesced in by the parties (mostly military men) sued.

SUITS.

Contribution of the two Courts to the work of 1881.

246. The following statement compares the total number of Suits disposed of with the total filed, and the number of contested cases disposed of with the total disposals, in these Courts, for 1881. The 6 Suits disposed of, in excess of the total filed, in the Cannanore Court, belonged, of course, to the file of the previous year, 1880.

Court.	Total filed.	Total disposed of.	Total disposed of after contest.	Percentage of col. 4 to col. 3.
1	2	3	4	5
St. Thomas' Mount.	311	305	80	26·23
Cannanore.	77	83	27	32·53
Total...	389	388	107	27·58

Average duration.

247. The average duration of cases disposed of after contest was 12 days, and that of cases decided without contest, 6 days.

Arrears.

III.—ARREARS.

248. At the end of 1881, there were 29 Small Causes awaiting disposal. Of these, 11 were more than 3 months old, and 2 were pending for more than a year. The oldest of these was pending in the St. Thomas' Mount Court.

Unregistered plaints.

IV.—UNREGISTERED PLAINTS.

249. There were no plaints left unregistered at the close of the year.

EXECUTIONS.

B.—EXECUTIONS.

Institutions.

250. 173 applications were received in 1881, which, together with 14 re-admitted, made 187 for disposal. Of this number, 7 were transferred to other Courts, and the net total for disposal was 180,

Disposals and mode of disposal.

251. Of these, 174 were disposed of, 1 being withdrawn, and satisfaction being obtained through Court in 173 : in 144 of these, process had been issued.

Amount realized.

252. Rupees 1,551 were realized on account of suitors after issue of process, and Rupees 1,218 were monies voluntarily paid into Court; the total being Rupees 2,769.

Average duration.

253. The average duration of the disposed-of applications for execution was 2 days.

Arrears.

254. Six applications awaited disposal at the close of 1881.

Unregistered applications.

255. There were no applications pending registration at the close of the year.

C.—MISCELLANEOUS CASES.

256. No miscellaneous cases were received in these Courts during the year.

III.—District Munsifs' Courts.

257. In 1881, there were 111 regular Courts exercising the powers of a District Munsif under Madras Act III of 1873. Besides these, 3 Sub-Magistrates (1 on the Pulney Hills in Madura, 1 at Gudalur in the Nilgiris, and 1 at Anjengo in South Malabar), 1 Assistant Commissioner at Ootacamund, and 13 Agency Sub-Magistrates (4 in Ganjam, 1 in Godavari and 8 in Vizagapatam) have also tried Suits as District Munsifs, but to a very limited extent. Number of Courts.

A.—SUITS.

SUITS.

I.—INSTITUTIONS.

Institutions.

258. 66,152 Ordinary Suits and 76,300 Small Causes were instituted in these Courts in 1881.

259. Below is exhibited the variation from year to year in the number of Suits instituted in these Courts for the 10 years, 1871 to 1880. Institutions of 1881 compared with the previous ten years.

Year	Ordinary Suits.	Small Causes.	Total.	Year.	Ordinary Suits.	Small Causes.	Total.
1871 ...	56,339	77,109	133,448	1878	64,952	75,082	140,034
1872 ...	58,579	77,398	135,977	1879	70,844	83,141	153,985
1873 ...	56,379	79,271	135,650	1880	66,561	78,762	145,323
1874 ...	60,916	84,095	145,011	Total for 7 years...	4,44,298	5,47,928	9,92,226
1875 ...	60,647	78,925	139,572				
1876 ...	62,024	79,269	141,293	Average...	63,471	78,275	1,41,445
1877 ...	58,354	68,654	127,008	Compare 1881	66,152	76,300	1,42,452

260. The introduction, in April 1873, of the Madras Civil Courts Act, which extended the limits of the District Munsif's pecuniary jurisdiction, renders it necessary that, for the purposes of comparison, the figures of 7 years only, beginning from 1874, should be taken to account. This has been done by striking the average for those 7 years only. The total institution in 1881 was less than in 1879 and 1880 by 11,510 and 2,848 Suits respectively, though larger than the average by 729, and also larger than the figures for any of the other years preceding, commencing from 1875. In Ordinary Suits, the year 1881 shows a falling-off from 1879 and 1880, respectively, by 4,669 and 386, and in Small Causes, by 684 and 2,462. As compared with the average, there is an increase of 2,704 in Ordinary Suits, and a decrease of 1,975 in Small Causes.

SUITS.

Institutions of the past five years distributed by Districts.

261. The following is a comparative statement showing the distribution, by Districts, of these Suits for the 5 years, 1877 to 1881.

Districts.	Number of District Munsifs in 1881.	Ordinary Suits.					Small Causes.				
		1877.	1878.	1879.	1880.	1881.	1877.	1878.	1879.	1880.	1881.
Arcot (N.)	5	2,645	3,427	4,780	3.443	3,602	2,254	2,422	3,160	3,676	3,254
Arcot (S.)	4	2,301	2,815	2,919	2,764	2,639	3,611	3,839	3,533	2,947	2,990
Bellary	5	2,339	2,606	2,511	1,991	2,100	862	1,348	1,633	1,570	1,529
Canara (S.)... ...	8	2,977	2,610	2,503	2,664	2,816	2,666	2,205	2,230	2,297	2,644
Chingloput... ...	3	1,517	2,424	2,128	2,152	2,087	936	1,656	1,704	1,624	1,569
Coimbatore ...	5	2,655	3,187	3,445	3,436	3,362	1,171	1,551	1,584	1,515	1,631
Nilgiris ...	...	114	82	131	143	161	192	221	431	360	272
Cuddapah	6	2,425	2,894	3,207	2,354	2,375	2,210	2,886	3,404	2,278	2,051
Ganjam	4	2,095	2,081	2,086	2,166	2,268	2,030	2,020	2,297	2,341	2,379
Do. (Agency).	...	414	285	173	106	87	...	...	...	...	...
Godavari... ...	7	3,905	3,752	4,340	4,681	4,617	4,271	4,274	5,794	5,674	5,162
Do. (Agency).	...	...	...	...	...	139	...	...	...	...	...
Kistna...	5	3,275	3,797	4,358	4,278	4,081	3,420	3,875	4,651	4,851	4,575
Kurnool	3	1,117	1,658	1,926	1,334	1,219	694	1,420	1,698	1,027	1,111
Madura	5	2,095	2,967	3,303	3,232	3,551	4,409	6, 50	6,143	6,638	5,426
Malabar (N) ...	5	2,850	3,389	3,727	3,637	3,513	9,421	9,392	9,879	9,340	9,065
Malabar (S.) ...	11	8,057	7,553	8,171	8,257	7,641	9,018	8,367	9,246	9,063	8,253
Nellore	3	2,268	2,769	3,604	2,576	2,611	1,536	1,828	2,817	1,774	1,782
Salem	5	2,911	3,759	3,860	3,016	2,940	2,733	3,719	3,704	2,604	2,514
Tanjore (N.)	6	4,824	1,773	1,963	2,044	1,970	8,446	3,351	3,646	3,399	3,771
Tanjore (S.)	7		2,497	2,588	2,855	3,109		4,974	5,515	5,065	5,892
Tinnevelly	5	2,252	3,057	31,44	3,200	3,119	8,602	4,049	3,908	4,381	4,276
Trichinopoly ...	3	2,143	2,416	2,946	2,683	2,578	1,858	2,376	2,580	2,559	2,380
Vizagapatam ...	6	2,841	2,749	2,781	3,267	3,112	3,314	3,159	3,584	3,779	3,774
Do. (Agency).	...	334	405	250	282	255	...	...	...	...	...
Total ..,	111	58,354	64,952	70,844	66,561	66,151	68,654	75,082	83,141	78,762	76,30
Average per District...	5	2,779	3,093	3,374	3,170	3,151	3,269	3,575	3,959	3,751	3,633

262. As compared with 1880, there has been an increase of Ordinary Suits in 9 Districts, markedly in Madura, South Tanjore and North Arcot. In South Malabar and Kistna, the decrease is very considerable. In Ganjam, Godavari and South Tanjore, the files have been steadily rising from 1879, while a gradual decline is noticeable in Kistna, Kurnool, North Malabar and Salem, since 1878.

263. In Small Causes, 1881 shows an increase upon 1880 in 8 Districts, the increase being most marked in South and North Tanjore and in South Canara. In Madura, South Malabar, Godavari and North Arcot, there has been a distinct falling-off in the files.

264. This table also shows that 642 Ordinary Suits and 272 Small Causes were received on the files of the Courts in the Nilgiris and in the 3 Agencies. 17 Ordinary Suits and 7 Small Causes instituted in the Courts of the Subordinate Magistrates (as District Munsifs) of the Pulney Hills and Anjengo being added, the total institution in these exceptional Courts was 938, *viz.*, 659 Ordinary Suits and 279 Small Causes.

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265. The Suits in these exceptional Courts being excluded, the following statement exhibits the average number of Suits instituted per District Munsif's Court, properly so called, in each District, for the 5 years, 1877 to 1881.

Average institutions per Court for the past five years.

Districts.	Number of District Munsifs in 1881.	Average number instituted per Court.									
		Ordinary Suits.					Small Causes.				
		1877.	1878.	1879.	1880.	1881.	1877.	1878.	1879.	1880.	1881.
Arcot (N) ...	5	529	685	956	689	738	451	484	632	735	651
Arcot (S) ..	4	575	704	730	691	710	903	960	883	737	747
Bellary ...	5	468	521	502	398	420	172	269	326	314	306
Canara (S) ...	8	372	326	313	333	352	333	276	279	287	330
Chingleput ...	3	505	808	709	717	695	312	552	568	541	523
Coimbatore ...	5	531	637	689	687	672	234	310	317	303	326
Cuddapah ...	6	404	482	534	392	396	368	481	567	380	342
Ganjam ...	4	524	520	521	541	567	507	505	574	585	595
Godavari ...	7	558	536	620	669	659	610	610	828	810	737
Kistna ...	5	655	759	871	855	816	684	775	930	970	915
Kurnool ...	3	372	553	642	445	406	231	473	566	342	370
Madura ...	5	419	593	660	646	710	882	1,230	1,228	1,327	1,085
Malabar (N) ...	5	570	678	755	727	702	1,884	1,878	1,976	1,868	1,813
Malabar (S) ...	11	732	687	743	751	695	820	761	840	824	750
Nellore ...	3	756	923	1,201	859	870	512	609	939	591	594
Salem ..	5	582	752	772	603	588	546	744	741	521	503
Tanjore (N) ...	6	371	295	327	340	328	649	559	608	566	628
Tanjore (S) ...	7		357	370	408	444		710	788	728	842
Tinnevelly ...	5	450	611	629	640	624	720	810	781	876	855
Trichinopoly ...	3	714	805	982	894	859	619	792	860	853	793
Vizagapatam ...	6	473	458	463	544	519	552	526	597	629	629
Total...	111	10,560	12,690	13,989	18,829	12,770	11,989	14,314	15,828	1,472	14,334
Average per District ...	5½	503	604	666	611	608	571	682	754	704	683

266. Nellore shows the highest average of Ordinary Suits per Court, and next in order come Trichinopoly, Kistna, North Arcot, South Arcot, Madura, North Malabar, South Malabar and Chingleput: the averages are lowest for North Tanjore, South Canara and Cuddapah. In Small Causes, the average is highest in North Malabar, and Madura and Kistna show the next higher averages. Bellary, Coimbatore, South Canara, Cuddapah and Kurnool are much below the average.

Institutions of 1881 classified according to subject-matter.

267. Below is a classification, according to subject-matter, of the Ordinary Suits and Small Causes instituted in these ordinary Courts, showing the proportion the number in each class bears to the total.

		Ordinary Suits.		Small Causes.	
		Number.	Percentage.	Number.	Percentage.
Suits for money or moveable property.	On contract, in writing ...	33,729	51·50	41,608	54·73
	On contract, not in writing.	1,467	2·24	12,871	16·93
	Rent	1,997	3·05	6,727	8·85
	Moveable property or its value ...	975	1·49	2,670	3·51
	Damages	510	0·78	435	0·57
	Other Suits	2,363	3·61	11,710	15·41
Title and other Suits.	Relating to real property	21,009	32·08	.....	.....
	Other Suits	3,443	5·25	.....	.....
	Total,..	65,493	100·00	76,021	100·00

SUITS.

Institutions of 1881 classified according to subject-matter.

268. In Ordinary Suits, the largest number, viz., 53·74 per cent, consisted of Suits on contract; Suits for money or moveable property and real property Suits, stand to each other in the proportion of 2 to 1.

269. In Small Causes, over 70 per cent were Suits on contract, and those on unwritten contract are in number about one-third of those on written contract.

Institutions of 1881 distributed by Districts and according to subject matter.

270. The following table distributes these Suits according to Districts and also according to subject-matter.

Districts.	Suits for money or moveable property.		Title and other Suits.	Total.
	Ordinary.	Small Causes.		
Arcot (North)	3,079	3,254	523	6,856
Arcot (South)	517	2,990	2,322	5,829
Bellary	1,602	1,529	498	3,629
Canara (South)	1,807	2,644	1,009	5,460
Chingleput	1,688	1,569	399	3,656
Coimbatore	2,854	1,631	508	4,993
Cuddapah	1,936	2,051	439	4,426
Ganjam	1,574	2,379	694	4,647
Godavari	3,222	5,162	1,395	9,779
Kistna	3,270	4,575	811	8,656
Kurnool	1,016	1,111	203	23,30
Madura	1,533	5,425	2,016	8,974
Malabar (North)	232	9,065	3,281	12,578
Malabar (South)	3,658	8,247	3,968	15,873
Nellore	1,964	1,782	647	4,393
Salem	1,718	2,514	1,222	5,454
Tanjore (North)	1,238	3,771	732	5,741
Tanjore (South)	1,979	5,892	1,130	9,001
Tinnevelly	1,590	4,276	1,529	7,395
Trichinopoly	2,136	2,380	442	4,958
Vizagapatam	2,425	3,774	684	6,886
Total ...	41,041	76,021	24,452	1,40,514
Average per District ...	1,954	3,620	1,164	6,739

271. South Malabar had the largest file both in 'Suits for money and moveable property' and in 'Title and other Suits', the latter, viz., 3,968, being nearly one-sixth of the total for the entire Presidency. North Malabar had the next largest number of Suits of the latter description, but, on the other hand, the file of the same District in Ordinary Suits for money and moveable property, appears to be the lowest in the Presidency. South Arcot comes third in the list. Kurnool had the smallest number of 'Title and other Suits'.

Aggregate and average value.

272. The value of 563 Ordinary Suits could not be estimated in money, and the total value of the remaining 64,930 Ordinary Suits was Rupees 1,10,96,715, giving an average of Rupees 171 per Suit. The value of the 76,021 Small Causes was Rupees 18,68,411, giving an average of Rupees 22 per Suit. In the year under review, no comparison can well be made with the value of Suits in previous years, as the returns now submitted show the value of Suits *instituted*, while those of previous years showed the value of Suits *disposed of*.

273. Below is a distribution of these Suits according to value.

SUITS.

Institutions of 1881 classified according to value.

Grade of value.	Ordinary Suits.		Small Causes.	
	Number.	Percentage.	Number.	Percentage.
Not exceeding 10 Rupees	2,316	3·54	15,618	20·54
Above 10 Rs. and not exceeding 50 Rs.	12,819	19·57	60,403	79·46
„ 50 „ 100 „	22,079	33·71	...	...
„ 100 „ 500 „	23,174	35·39	...	...
„ 500 „ 1,000 „	3,073	4·69	...	...
„ 1,000 „ 2,500 „	1,469	2·24	...	...
Not estimable in money	563	0·86	...	...
Total...	65,493	100·00	76,021	100·00

274. The above figures show that, in Ordinary Suits, over 92 per cent did not exceed 500 Rupees in value; three-fourths of these ranged between 50 and 500 Rupees. Of value between 1,000 and 2,500 Rupees, there were only 1,469 Suits. In Small Causes, nearly one-fifth did not exceed 10 Rupees in value.

II.—DISPOSALS.

Disposals.

275. Including 447 Ordinary Suits and 3 Small Causes received by remand, and 1,004 Ordinary Suits and 1,013 Small Causes re-admitted, the admissions during the year on the files of these Courts amount to 66,944 Ordinary Suits and 77,037 Small Causes.

276. Including 19,099 Ordinary Suits and 6,572 Small Causes pending at the close of 1880, and excluding transfers, the net totals for disposal were 85,528 Ordinary Suits and 83,598 Small Causes. Of these, 67,652 Ordinary Suits and 77,889 Small Causes were disposed of, leaving 17,876 Ordinary Suits and 5,709 Small Causes pending at the close of the year.

277. The variations from year to year in the work for disposal, disposed of, and in arrear, for the last seven years, 1874 to 1880, in these Courts, will appear from the following statement.

Work of 1881 compared with the previous seven years.

Year.	No. of District Munsifs.	Ordinary Suits.					Small Causes.				
		Number for disposal.	Number disposed of.	Number in arrear.	Percentage of arrears to total for disposal.	Average number disposed of per Court.	Number for disposal.	Number disposed of.	Number in arrear.	Percentage of arrears to total for disposal.	Average number disposed of per Court.
1874 ...	111	87,563	62,927	24,636	28·14	567	92,187	85,858	6,329	6·87	773
1875 ...	111	85,857	63,625	22,232	25·89	573	85,736	78,994	6,742	7·86	711
1876 ...	111	84,791	64,153	20,638	24·34	596	86,469	80,737	5,732	6·63	727
1877 ...	111	79,281	60,766	18,515	23·35	547	74,849	70,190	4,659	6·22	632
1878 ...	111	83,552	63,769	19,783	23·68	574	80,089	72,884	7,205	9·00	656
1879 ...	111	90,764	70,115	20,649	22·75	631	90,365	83,027	7,638	8·42	748
1880 ...	111	87,496	68,393	19,103	21·83	616	86,715	80,143	6,572	7·58	722
Total ...	777	5,99,304	4,53,748	1,45,556	24·29	585	59,671	5,51,833	44,877	7·52	710
Average ...	111	85,615	64,821	20,794	24·29	684	85,244	78,833	6,411	7·52	710
Compare 1881 ...	111	85,528	67,652	17,876	20·90	609	83,598	77,889	5,709	7·33	702

278. In Ordinary Suits, the total number disposed of in 1881 is about 4 per cent more than the average of the last seven years, though less than the numbers

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disposed of in 1880 and 1879. The same feature is observable in Small Causes also. It is satisfactory to note that 2,159 Ordinary Suits and 1,868 Small Causes were disposed of by these Courts in excess of the institutions of the year.

Mode of disposal.

279. The following figures give the general result of these Suits.

Disposed of.		Ordinary Suits.			Small Causes.		
		Number.	Percentage.		Number.	Percentage.	
Without trial		7,171	100·00	10·60	12,171	100·00 ...	15·63
Without contest.	Compromised ...	14,059	40·14	51·77	16,485	34·21	61·84
	Decreed on confession	4,401	12·57		7,893	16·39	
	Decreed *ex parte* ...	15,188	43·36		21,207	44.04	
	Dismissed *ex parte*.	1,375	3·93		2,582	5·36	
	Total ...	35,023	100·00		48,167	100·00	
With contest.	Decreed for plaintiff in whole or in part.	18,819	73·93	37·63	12,648	72·06	22·53
	Decreed for defendant	6,456	25·35		4,861	27·70	
	By arbitration ...	183	·72		42	·24	
	Total...	25,458	100·00		17,551	100·00	
Grand Total ...		67,652		100·00	77,889	...	100·00

280. In Ordinary Suits, more than one-half were disposed of without contest, and of these, 43⅓ per cent were decreed *ex parte*. 37·63 per cent of the whole were contested Suits, nearly ¾ths of which were decided infavour of plaintiff. The number of Suits referred to arbitration is comparatively insignificant. In Small Causes also, the uncontested Suits formed the largest proportion, or nearly 62 per cent of the total disposals; 22½ per cent were decided after contest, and of these, three-fourths were decided in favour of plaintiff.

Disposals of 1881 compared in detail with the previous seven years.

281. The following table compares these results with those of the preceding seven years.

Year.	Ordinary Suits disposed of.							Small Causes disposed of.						
	Without trial.	Without contest.	After contest.	For Plff.	For Deft.	Percentage of col. 4 to total	Percentage of col. 6 to col. 5	Without Trial.	Without contest.	After contest.	For Plff.	For Deft.	Percentage of col11 to total	Percentage of col13 to col12
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1874	3231	34787	24909	19884	9188	39·58	46·21	7138	53447	25273	49329	10140	29·44	20·56
1875	3182	34768	25675	36284	9511	40·35	20·74	5913	48359	24722	46006	9263	31·30	20·14
1876	3214	35633	25306	37464	8865	39·45	23·66	6817	51119	22801	45769	9352	28·24	20·43
1877	2771	33116	24879	35901	8804	40·94	24·52	5479	43616	21095	40457	8032	30·05	19·85
1878	3183	36154	24432	37965	7912	38·31	20·84	5585	48162	19137	42143	6716	26·26	15·94
1879	3126	40986	26008	41627	7963	37·09	19·13	6627	55607	20793	48614	7333	25·04	15·08
1880	3050	40358	24985	39533	7961	36·53	20·14	7296	52977	19870	44885	7385	24·79	16·45
Total.	21757	245802	176189	248658	60204	38·83	24·21	44855	353287	153691	317203	58221	27·85	18·35
Average.	3109	36543	35170	35523	8601	38 82	24·21	6408	40470	21956	45315	8317	27·85	28·35
1881	7171	35023	25458	38408	7831	37·63	20·38	12171	48167	17551	41748	7443	22·53	17·88

282. In Ordinary Suits, the number of contested cases in 1881 is slightly in excess of the average of the previous seven years, and is only slightly lower than in 1879.

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The more than two-fold increase in the number of cases disposed of without trial as compared with previous years is remarkable. There has been a falling off from the average by nearly 1500 Suits in the number decided without contest. Nearly 5 times as many suits were decided for plaintiff as for defendant, a proportion slightly in excess of those for the years preceding.

Disposals of 1881 compared in detail with the previous seven years.

283. In Small Causes also, the number disposed of without trial is nearly twice the average, and is higher than the highest figures for any of the previous years by nearly 5000 Suits; contested cases, on the other hand, were fewer. The number of cases decided without contest is nearly 20 per cent above the average, but is below the figures for 1876, 1879 and 1880. Cases decided for plaintiff are to those decided for defendant in the proportion 11 to 2.

284. The following table compares, by Districts, the total number of cases disposed of with the total filed, and the number of contested cases disposed of with the total disposals for 1881.

Files, disposals and contested cases compared.

DISTRICT.	Ordinary Suits,				Small Causes.			
	Total filed.	Total disposed of.	Total disposed of after contest.	Percentage of col 4 to col. 3	Total filed.	Total disposed of.	Total disposed of after contest.	Percentage of col. 8 to col. 7
1	2	3	4	5	6	7	8	9
Arcot (North)	3,658	3,918	1,207	30·83	3,310	3,845	697	18·13
Arcot (South)	2,889	2,524	928	36·77	3,009	28,63	711	24·83
Bellary	2,138	2,132	793	36·34	1,544	1,544	321	20·79
Canara (South)	2,129	3,092	1,636	52·91	2,704	2,597	724	27·88
Chingleput	2,156	2,103	754	35·85	1,597	1,585	306	19·31
Coimbatore	3,390	3,525	1,010	28·66	1,653	1,647	317	19·24
Cuddapah	2,434	2,423	798	32·93	2,079	2,112	375	17·75
Ganjam	2,312	2,392	1,172	49·00	2,400	2,414	816	33·80
Godavari	4,731	4,637	1,594	34·38	5,235	5,323	1,253	23·71
Kistna	4,193	4,368	1,239	28·37	4,711	4,809	1,042	21·67
Kurnool	1,233	1,207	266	22·03	1,115	1,098	143	13·02
Madura	3,630	3,623	1,433	39·55	5,545	6,163	1,362	22·10
Malabar (North)...	3,575	3,538	1,860	52·57	9,176	8,990	1,981	22·02
Malabar (South)...	7,770	8,127	3,757	46·23	8,333	8,263	2,429	29·40
Nellore	2,634	2,861	981	34·29	1,792	1,794	316	17·61
Salem	2,991	2,844	805	28·30	2,532	2.516	385	15·30
Tanjore (North)...	2,001	1,985	761	38·34	3,801	3,811	898	23·56
Tanjore (South)...	3,178	3,315	1,244	37·53	5,980	5.939	1,090	18·35
Tinnevelly	3,189	2,974	1,089	36·62	4,325	4,326	987	22·82
Trichinopoly	2,639	2,769	724	26·15	2,389	2,478	410	16·55
Vizagapatam	3,276	3,245	1,404	43·27	3,803	3,772	988	26·19
Total ...	66,940	67,652	25,455	37·63	77,037	77.389	17,551	22·52

285. In Ordinary Suits, the Courts in South Malabar, Godavari, Kistna, North Arcot, Madura, and North Malabar have disposed of the largest numbers, viz., 8127, 4637, 4368, 3918, 3623 and 3538 respectively. The Courts in South Canara and South Malabar have disposed of 963 and 357 Ordinary Suits respectively more than the numbers filed before them during the year. In North Arcot and Nellore, the disposals have exceeded the incoming work by 260 and 227 suits respectively. The Kistna, Coimbatore, South Tanjore and Trichinopoly Courts also show an excess of disposals over institutions by a little over 100 Suits. On the other hand, in South Arcot, Godavari, Salem, North Tanjore, and Tinnevelly, the work disposed of fell short of the work received.

286. In two Districts, viz., North Arcot and Madura, the number of Small Causes disposed of were in excess of the number filed by over 500 Suits. The figures for the other Districts show that the judicial strength was about equal to the work for disposal.

SUITS.

Average duration.

287. In Ordinary Suits, the average duration of cases disposed of after contest was 14 days and that of cases decided without contest was 80 days. In Small Causes, the average pendency of the contested and uncontested cases disposed of was 41 and 38 days respectively.

III.—ARREARS.

Arrears.

288. At the end of 1881, there were 17,876 Ordinary Suits and 5709 Small Causes awaiting disposal.

289. Of these, 6310 Ordinary Suits and 159 Small Causes were more than 3 months old and include 320 Ordinary Suits and 2 Small Causes pending over 12 months, leaving 5990 Ordinary Suits and 157 Small Causes pending for between 3 and 12 months. The returns received from Lower Courts up to 1880 showed the number of Suits pending over 4 months instead of over 3 months as in the new returns introduced in 1881; and materials are therefore wanting for a proper comparison of the state of arrears at the end of 1881 with those of previous years. The average numbers of Ordinary Suits and Small Causes pending for between 4 and 12 months for the previous seven years were 5395 and 239 respectively.

Arrears of over twelve months compared with those of previous seven years.

290. The following table compares the number of Ordinary Suits and Small Causes pending over 12 months at the end of 1881 with those for the preceding seven years, 1874 to 1880.

Year.	Pending over 12 months. Ordinary Suits.	Small Causes.
1874	2,045	5
1875	861	4
1876	614	1
1877	768	68
1878	364	3
1879	239	0
1880	252	2
Total	5143	83
Average.	735	12
Compare 1881.	320	2

291. The suits pending for upwards of 12 months, which were largely reduced in 1878 and 1879, have risen in numbers in 1880 and 1881; but the arrears are not heavy, as will be seen by a comparison with the other years.

Causes of pendency.

292. In Ordinary Suits, 4927 were pending return of summons, and 99 of Commission, 3,363 awaited settlement of issues, and 56, the award of arbitrators, 9301 were ready for final disposal, and in 130 judgment was not delivered.

293. In Small Causes, 3190 were pending return of summons and 3 of Commission, 8 awaited the award of arbitrators, 2495 were ready for final disposal, and 13 were awaiting judgment.

Courts with the heaviest arrears and oldest cases.

294. The Courts in the Godavari District have the largest arrears (2,500 Ordinary Suits and 572 Small Causes). The Kistna and North Arcot Courts come next in order. The work undisposed of in the Courts of South Tanjore, Coimbatore, and North and South Malabar was about one-eighth of the work received during the year. In the North Tanjore Courts, the arrears were about only one-tenth of the institutions. The oldest of these Suits were pending in the following District Munsifs' Courts.

	Ordinary Suits.	Small Causes.		Ordinary Suits.	Small Causes.
Ellore ...	851 days.	417 days.	Masulipatam ...	530 days.	... ...
Tripati ...	781 „	351 „	Vizagapatam ...	486 „	... ...
Arni ...	760 „	... ...	Chicacole ...	420 „	... ...
Amalapuram ...	609 „	... ...	Tanuku ...	... ...	306 days.
Negapatam ...	534 „	411 days.			

IV—UNREGISTERED PLAINTS.

Unregistered plaints.

295. During the year under review, 839 plaints in Ordinary Suits and 569 in Small Causes were rejected or returned before registration; and 364 of the former and 234 of the latter were pending registration at the close of the year, the oldest in each class having been allowed to remain unregistered for 151 and 30 days in the District Munsifs' Courts of Tanjore and Guntur respectively.

B.—EXECUTIONS.

EXECUTIONS.

Institutions.

296. 1,18,776 applications for execution were received in the ordinary District Munsifs' Courts during the year. Including 18,523 pending at the beginning of 1881, 4722 transferred from other Courts, 22 remanded, and 1,579 re-admitted, the total number for disposal was 1,43,622.

Disposals and mode of disposal.

297. Deducting 2,651 transferred to other Courts for execution, the net total for disposal was 1,40,971. Of these, 1,22,163 were disposed of, 28,102 being withdrawn or otherwise not prosecuted, or rejected or dismissed, and the proceedings being otherwise finally closed in 94,061 cases, as shown below:—

Decrees how satisfied.

Number of cases in which satisfaction was obtained through Court in whole or in part	40,686
„ Adjusted out of Court	11,829
„ in which execution was wholly infructuous	41,546
Total ...	94,061

298. Of the 40,686 cases in which satisfaction was obtained through Court, process had been issued in 37,939.

Decrees how executed.

299. Of the 94,061 cases in which the proceedings were finally closed, the judgment—debtor was arrested but released in 7,405, and moveable or immoveable property was attached but released in 4,054, and the remaining 82,602 cases are distributed below according to the modes in which execution was effected.

Number of cases in which judgment-debtor was imprisoned	706
„ in which moveable property was transferred or sold	2,670
„ do. immoveable do do	16,058
„ immoveable property was otherwise dealt with	464
„ Specific performance enforced	294
„ Partition was effected	116
„ in which execution was otherwise effected	62,303
Total ...	82,602

Amount realized.

300. Rupees 21,48,419 were realized on account of suitors after issue of process, and Rupees 3,48,016 were monies voluntarily paid into Court; the total being Rupees 24,96,432.

Average duration.

301. The average duration of the disposed-of applications for execution was 51 days.

Arrears.

302. 18,808 applications were awaiting disposal at the end of 1881, and of these 120 were pending for more than a year.

Unregistered applications.

303. 2188 applications for execution were rejected before registration and 478 were pending registration at the close of the year, the oldest of these being pending 37 days in the Ditsrict Munisif's Court of Bellary.

C.—INSOLVENCY.

INSOLVENCY.

Institutions, disposals, &c

304. 392 applications for declarations of insolvency were received during the year 1881. Of these, 1 was from a decree-holder, 37 were from Judgment-debtors not under arrest or imprisonment; and 354 from those under arrest or imprisonment. Including 78 pending at the beginning of the year and 1 received by transfer, there were 471 applications for disposal. Of this number, 198 were withdrawn or otherwise not prosecuted; 85 were granted, in only 6 of which were receivers appointed; 90 were rejected, sentence of imprisonment being passed in only 11 of them under Section 359, Civil Procedure Code, there being no ground for taking penal proceedings in the remaining 79 cases.

INSOLVENCY.

305. In only two out of the 6 cases above mentioned, were Receivers placed in charge of the estates of insolvents during the year, *viz*, in the Districts of South Malabar and Nellore. There were, in all, including 10 pending from 1880, 12 cases in the hands of Receivers. In 5 of these only were proceedings finally closed during the year. The amount realized was Rupees 305, which, with the 972 Rupees remaining in the hands of Receivers at the beginning of the year, made Rupees 1,277, all of which were paid out before the close of the year.

Receivers appointed and amount realized and disbursed.

306. The average duration of an application disposed of was 106 days.

Average duration.

307. At the end of the year, 98 applications were pending, of which only 2 were more than a year old, the older of them having remained on the file of the District Munsif's Court of Madura for 567 days.

Arrears.

308. There were no applications for declaration of insolvency left unregistered at the close of the year.

Unregistered applications.

D.—MISCELLANEOUS CASES.

MISCELLANEOUS CASES.

309. 200,806 applications other than for execution of decrees and for declaration of insolvency, were received during the year 1881, the largest number in any District, *viz.*, 20,663 being filed in the Courts in the Godavari District, and the smallest (2,763) in the District of Bellary. Claims preferred under Sections 278,328 and 332 of the Code of Civil Procedure and not registered as Suits, are included under this head, but their number cannot be separately ascertained.

Institutions.

310. Including 3,179 pending at the beginning of the year, 10 remanded, and 106 re-admitted, and excluding transfers, there were 2,04,089, applications for disposal. These were disposed of as follows :—

Disposals.

Mode of disposals.

Without trial		8,129
Without contest.	Compromised	4,991
	Ordered on confession	19,162
	„ *exparte*	1,27,581
	Dismissed *exparte*	7,154
After contest.	Decided for Petitioner	22,035
	„ „ Counter Petitioner	11,113
	By Arbitration	61
	Total...	2,00,226

311. The average duration of contested applications disposed of was 21 days.

Average duration.

312. 3,863 applications were awaiting disposal at the close of the year. 51 of these were pending for more than 6 months and 17 for more than a year, Of these 17 applications, 3 were in the Court of the District Munsif of Mangalore, the oldest having been on its file for 541 days. As many as 14 applications of more than one year's standing were on the file of the Court of the District Munsif of Valangiman in the South Tanjore District, the duration of the oldest being 418 days. No explanation has been given of these exceptionally long pendencies.

Arrears.

313. Of the 3,863 pending applications, 1,015 were pending return of notices, 20 were awaiting the award of arbitrators, 2,565 were ready for final disposal, and 155 were awaiting judgment.

Causes of pendency.

314. 450 applications were rejected or returned before registration. 250 were pending registration at the end of the year, the oldest of these being on the file of the Kumbhakonam Munsif's Court for 20 days.

Unregistered applications

IV.—Subordinate Judges' Courts.

315. In 1881, there were 14 Subordinate Judges vested with original jurisdiction: one of these Courts, viz., Vizagapatam, was constituted as late in the year as the 1st November. Besides these, 7 Assistant Agents also received Ordinary Suits. Number of Courts.

A.—SUITS.

SUITS.

I.—INSTITUTIONS.

316. 619 Ordinary Suits and 10,831 Small Causes were instituted in these Courts during the year. Institutions.

317. The following figures show the variations from year to year in the number of Suits instituted in these Courts for the years, 1871 to 1881. 1881 compared with the previous ten years.

Year.	Ordinary Suits.	Small Causes.	Total.	Year.	Ordinary Suits.	Small Causes.	Total
1871 ...	1,390	13,431	14,821	1878 ...	686	11,844	12,530
1872 ...	1,404	13,201	15,605	1879 ..	626	11,994	12,570
1873 ...	727	16,408	17,135	1880 ...	635	11,474	12,109
				Total for the last seven years...	4088	85,211	89,299
1874 ...	615	14,116	14,731				
1875 ...	489	11,851	12,340				
1876...	572	13,495	14,067	Average ...	584	12,194	12,343
1877 ...	465	10,487	10,952	Compare 1881.	619	10,831	11,450

318. Here also, the average has, for reasons already stated (para. 260), been struck for the previous 7 years only. As compared with 1879 and 1880, there has been a decrease in 1881 in both classes of Suits, amounting to 7 and 16 in the first class, and 1,163 and 643 in the second. In Ordinary Suits, 1881 is by 35 Suits over the average, but in Small Causes, it shows 1,363 less. The Ordinary Suits shown above include 70 Summary Suits in respect of Negotiable Instruments under Chapter XXXIX of the Civil Procedure Code.

319. The following is a comparative statement exhibiting the distribution, by Districts, of these Suits for the years, 1877 to 1881. The institutions in the Assistant Agents' Courts for 1877 to 1880 are not given, as in the returns received previous to 1880 the work of these Courts was entered under the head of District Munsifs, and separate returns cannot now be obtained without difficulty. Institutions of the past five years distributed by Districts.

District.	Ordinary Suits.					Small Causes.				
	1877.	1878.	1879.	1880.	1881.	1877.	1878.	1879.	1880.	1881.
Arcot (North)....	...	...	...	...	...	188	...	...	...	...
Arcot (South)....	6	16	12	15	17	743	901	1,006	1,009	982
Bellary.	30	125	57	46	66	...	196	505	437	498
Canara (South.)	58	43	30	47	33	...	...	...	...	...
Cuddapah ...	...	...	...	...	...	...	...	...	...	...
Ganjam ...	...	11	1	...	...	...	...	...	...	...
Do. (Agency)...					5					
Godavari ...	11	43	35	24	30	616	646	744	855	950
Do. (Agency)...										
Kistna ...	5	...	...	...	...	245	...	...	...	...
Madura East ...	56	64	72	76	53	1,874	2,571	2,391	2,386	976
Madura West...				40	38					861
Malabar (North.)	35	38	44	32	39	1,680	1,772	1,839	1,681	1,590
Malabar (South.) Calicut	87	119	149	66	61	440	643	797	796	429
Malabar (South.) Cochin				65	72					311
Salem	11	23	2	...	...	190	441	101	...	...
Tanjore (North.)		101	85	128	79		1350	1,747	1,489	1,693
Tanjore (South.) Tanjore.	123	63	102	34	33	3,280				790
Tanjore (South.) Kumbakonam.				19	23		1974	1,680	1,830	954
Tinnevelly ...	43	36	34	43	44	1,231	1,350	1,184	991	776
Vizagapatam ...	...	4	3	...	8	...	...	...	...	21
Do. (Agency)...					18	...	...	...	...	...
Total ...	465	686	626	635	619	10,487	11,844	11,994	11,474	10,831
Average ...	33	53	39	49	43	576	765	682	860	748

SUITS.

Institutions of the past five years distributed by Districts.

320. The averages given in the table have been calculated with reference to the number of Subordinate Judges in each year. In Ordinary Suits, North Tanjore shows a marked decrease by 49 as compared with 1880; in Bellary, there has been an increase by 20, though, even with such increase, the file is only a little over 50 per cent of that of 1878. In Small Causes, Madura has fallen off from 1880 by 549 Suits, and Tinnevelly, where the decline commenced in 1879, by 215; the increase in North Tanjore by 204 Suits is striking. Godavari shows a steady tendency to rise, commencing from 1878. Only in Bellary were as many as 45 Summary Suits filed under Chapter XXXIX of the Civil Procedure Code; in all other Courts, the Suits of this class number 25, and were distributed among the Subordinate Judges' Courts of Calicut, Cocanada, Cochin, Madura (East), Mangalore, and Tellicherry.

Institutions of 1881 classified according to subject matter.

321. Excluding the Agency Courts, the following is a classification, according to subject-matter, of the Ordinary Suits and Small Causes instituted in all the Subordinate Judges' Courts.

		Ordinary Suits.		*Small Causes.*	
		Number.	Percentage.	Number.	Percentage.
Suits for money or moveable property.	On Contract. In writing ...	286	47·99	7,168	66·18
	On Contract. Not in writing	9	1·51	866	7·99
	Rent	5	0 84	732	6·76
	Moveable property or its value.	6	1·01	370	3·42
	Damages	7	1·17	118	1·09
	Other Suits	44	7·38	1,577	14·56
Title and other Suits.	Relating to real property ...	176	29·53	...	...
	Other Suits ...	63	10 57	...	...
	Total...	596	100·00	10,831	100·00

322. As in other classes of Courts, Suits on contract are here also the largest in number, being nearly one-half of the total in Ordinary Suits, and above 66 per cent in Small Causes. About 30 per cent of the Ordinary Suits related to real property.

The same classified according to Districts and subject matter.

323. The following table distributes these Suits according to Districts and also according to subject-matter.

DISTRICT.	Suits for money or moveable property.		Title and other suits.	Total.
	Ordinary.	Small causes.		
Arcot (S) (*Cuddalore*)	11	982	6	999
Bellary	57	498	9	564
Canara (S) (*Mangalore*)	21	...	12	33
Godavari (*Cocanada*)	15	950	15	980
Madura { East	36	976	17	1,029
Madura { West	15	861	23	899
Malabar (N) (*Tellicherry*)	22	1,590	17	1,629
Malabar (S) { Calicut	37	429	24	490
Malabar (S) { Cochin	46	311	26	383
Tanjore (N) (*Negapatam*)	51	1,693	28	1,772
Tanjore (S) { Tanjore	12	790	21	823
Tanjore (S) { Kumbhakonam ...	10	954	13	977
Tinnevelly	20	776	24	820
Vizagapatam	4	21	4	29
Total...	357	10,831	239	11,427

SUITS.

Institutions of 1881 classified according to Districts and subject matter.

324. In South Tanjore, the proportion of 'Title and other Suits' to Ordinary Suits for money or moveable property was the highest, being a little over 3 to 2. About 50 per cent of the Ordinary Suits in Madura were for money or moveable property, but of the two Courts in that District, the West Court had as many as 23 'Title and other Suits' against 15 Suits for money or moveable property. Out of 133 Ordinary Suits in South Malabar, 50 were 'Title and other Suits'. Though North Tanjore had the largest number (28) of 'Title and other Suits', it had also almost the largest number (51) of Suits for money or moveable property. The Bellary and South Arcot Courts had the smallest proportion of 'Title and other Suits', the institutions in this class being only 9 and 6 out of 66 and 17 respectively.

Aggregate and average value.

325. The value of 3 Ordinary Suits could not be estimated in money, and the total value of the remaining 593 Suits is Rupees 91,73,235, giving an average of Rupees 15,469 per Suit. The total value of 10,831 Small Causes was Rupees 15,59,152, giving an average of Rupees 144 per Suit.

Institutions of 1881, classified according to value.

326. Below is a classification of these Suits according to value.

Grade of value.	Ordinary Suits.		Small Causes.	
	Number.	Percentage.	Number.	Percentage.
Not exceeding 10 Rs.	...	...	43	0·40
Above 10 Rs. and not exceeding 50 Rs.	30	5·03	93	0·86
„ 50 „ 100 „	18	3·02	4,731	43·68
„ 100 „ 500 „	46	7·72	5,964	55·06
„ 500 „ 1,000 „	24	4·03	...	...
„ 1,000 „ 2,500 „	13	2·18	...	...
„ 2,500 „ 5,000 „	291	48·83	...	...
„ 5,000 „ 10,000 „	88	14·77	...	...
„ 10,000 „ 1,00,000 „	75	12·58	...	...
Exceeding 1,00,000 Rs. ...	8	1·34	...	...
Not estimable in money...	3	0·50	...	...
	596	100·00	10,831	100.00

327. 50 per cent of the Ordinary Suits were between 2,500 and 5,000 Rupees in value. There were 8 Suits, each exceeding one lac of rupees in value. In Small Causes, Suits between 100 and 500 rupees in value bear the proportion of 55 per cent to the total.

328. It will be seen from the above table that 131 of the Ordinary Suits instituted before these Courts were for sums or property not exceeding Rs. 2,500—a District Munsif's jurisdiction. In this number are included 68 Summary Suits on Negotiable Instruments—a class of suits which a District Munsif cannot try, and 1 Suit which for convenience' sake had been separated from another of higher value than Rs. 2,500 and registered as a fresh Suit. The remaining 62 Suits were filed before the Subordinate Judge of Cochin, within part of whose local jurisdiction no District Munsif's Court is established. This last explanation accounts for the 136 Small Causes shown in the above table as not exceeding Rs. 50 in value.

Disposals.

II.—DISPOSALS.

329. Including 18 Ordinary Suits and 6 Small Causes received by remand, and 11 Ordinary Suits and 175 Small Causes re-admitted, the admissions during the year on the files of these Courts numbered 625 Ordinary Suits and 11,012 Small Causes.

330. Including 340 Ordinary Suits and 883 Small Causes pending at the close of 1880, and excluding transfers, the net totals for disposal were 1,223 Ordinary Suits and 12,373 Small Causes. Of these, 907 Ordinary Suits and 10,907 Small Causes were disposed of, leaving 316 Ordinary Suits and 1,466 Small Causes pending at the close of the year.

SUITS.

Work of 1881 compared with the previous seven years.

331. The variations from year to year in the work for disposal, disposed of and in arrear, for the years, 1874 to 1881, in these Courts, will appear from the following statement.

Year.	Number of Subordinate Judges.	Ordinary Suits.					Small Causes.				
		Number for disposal.	Number disposed of.	Number in arrear.	Percentage of arrears to total for disposal.	Average number disposed of per Court.	Number for disposal.	Number disposed of.	Number in arrear.	Percentage of arrears to total for disposal.	Average number disposed of per Court.
1874	15	1132	621	511	45·14	41	8719	8293	426	4·89	553
1875	13	1102	672	430	39·02	52	7197	6406	791	10·99	493
1876	15	1088	786	302	27·76	52	8222	7516	706	8·59	501
1877	14	769	510	259	33·68	36	7014	6218	796	11·35	444
1878	13	1021	727	294	28·80	56	8425	7329	1096	13·09	564
1879	13¼	1137	775	362	31·84	56	13880	12320	1560	11·24	896
1880	13	1365	1025	340	24·91	79	13198	12115	1083	8·21	932
Total.	96¾	7614	5116	2498	32·81	53	66655	60197	6458	9·69	622
Average ...	13¾	1088	731	357	32·81	53	9522	8599	923	9·69	622
Compare 1881.	13⅓	1223	907	316	25·84	69	12373	10907	1466	11·77	826

332. The figures for 1881 in the above table contrast favourably under each head with the averages, notwithstanding a slight reduction in the number of the Subordinate Judges; the arrears in Small Causes are however heavier in 1881 than in the years preceding. In Ordinary Suits, there was a larger number for disposal, and a larger number disposed of, in 1881, than in the seven years preceding, except 1880; the arrears of 1881 are however smaller than those of 1880. In Small Causes, the total for disposal and disposed of were smaller in 1881 than in 1879 and 1880, though larger than in the other previous years; but the arrears as already stated are heavier than in 1880.

Mode of disposal.

333. The general result of the Suits disposed of is indicated by the following figures:—

Disposed of.		Ordinary Suits.			Small Causes.		
		Number.	Percentage.		Number.	Percentage.	
Without trial		94	100·00	10·36	785	...	7.20
Without contest	Compromised	121	47·50	32·75	2,448	34·95	64·22
	Decreed on confession ...	36	12·50		1,141	16·29	
	Decreed *ex parte* ...	139	39.58		3,340	47·68	
	Dismissed *ex parte*	1	0.42		76	1·08	
	Total ...	297	100·00		7,005	100·00	
With contest	Decreed for plaintiff in whole or in part.	339	65·50	56·89	2,284	73·28	28·58
	Decreed for defendant ...	164	31·97		764	24·51	
	By arbitration ...	13	2·53		69	2.21	
	Total ...	516	100·00		3,117	100·00	
Grand Total ...		907		10·000	10,907	...	100·00

334. 57 per cent of the Ordinary Suits were disposed of after contest. In Small Causes, however, the largest number, 64¼ per cent of the total, was decided

without contest. In both descriptions of Suits, the greater portion of the contested cases was decided in favour of plaintiff, *viz.*, 65½ and 73¼ per cent, respectively. SUITS.

335. The following table compares these results with those of the preceding seven years. Mode of disposal in 1881 compared with the previous ten years.

Year.	Ordinary Suits disposed of.							Small Causes disposed of.						
	Without trial.	Without contest.	After contest.	For plaintiff.	For defendant.	Percentage. Of col. 4 to total.	Percentage. Of col. 5 to col. 3.	Without trial.	Without contest.	After contest.	For plaintiff.	For defendant.	Percentage. Of col. 11 to total.	Percentage. Of col. 13 to col. 12.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1874	75	181	365	356	112	58·78	31·46	733	5121	2429	4786	911	29·29	19·03
1875	82	201	389	342	149	57·89	13·57	325	3906	2175	4109	658	33·95	1601
1876	120	203	463	394	175	58·90	44·30	385	4493	2638	4659	752	35·10	16·12
1877	60	121	329	256	114	64·51	44·53	291	3588	2339	3767	655	37·62	17·39
1878	53	275	399	452	120	54·82	26·25	311	4495	2523	4532	668	34·42	14·74
1879	49	262	464	455	173	59·87	38·02	787	7616	3917	7857	865	31·79	11·01
1880	106	333	586	590	192	57·17	32·54	701	7607	3807	7667	928	31·42	12·10
Total...	545	1576	2995	2845	1035	58·55	36·45	3533	36836	19828	37377	5437	32·95	14·51
Average...	78	225	428	406	148	58·55	36·45	505	5262	2833	5340	777	32·95	14·51
Compare. 1881	94	297	516	514	165	56·89	32·10	785	7005	3117	6765	840	28·58	12·42

336. In Ordinary Suits, the number of contested cases was above the average of the past seven years, but less than in 1880. The uncontested Suits are also above the average number and less only than in 1880. There is a clear increase of nearly 25 per cent over the average in the number of cases decided in favour of plaintiff.

337. In Small Causes, the number of contested as well as of uncontested cases was above the average of the previous seven years by over 30 and 10 per cent respectively. The cases decided for plaintiff are to those decided in favor of defendant as 8 to 1.

338. The proportion of disposals to the total file and the proportion of contested cases to total disposal, in each District, will be seen in the following statement. Files, disposals, and contested cases compared.

Sub-Courts.	Ordinary Suits. Total filed.	Total Disposed of.	Total disposed of after contest.	Percentage of Col. 4 to Col. 3.	Small Causes. Total filed.	Total disposed of.	Total disposed of after contest.	Percentage of col. 8 to col. 7.
1	2	3	4	5	6	7	8	9
Arcot (S) *(Cuddalore)* ...	22	110	77	70·00	1002	976	232	23·77
Bellary ...	66	61	12	19·67	507	522	105	20·11
Canara (S) *Mangalore)* ...	38	46	17	36·96	...	...	...	...
Godavari *(Cocanada)* ...	30	28	17	60·71	961	976	309	31·66
Madura (East) ...	54	54	32	59·26	993	966	195	20·19
Madura (West) ...	38	57	38	66·67	879	859	262	30·51
Malabar(N) *(Tellicherry)*.	41	44	26	59·09	1,619	1,581	575	36·37
Malabar (S) Calicut ...	63	115	84	73·04	433	465	123	26·45
Malabar (S) Cochin ...	76	71	15	21·13	316	318	78	24·53
Tanjore (N) *(Negapatam)*	85	107	61	57·01	1,722	1,639	483	29·47
Tanjore (S) Kumbhakonam.	26	65	40	61·54	968	979	240	24·51
Tanjore (S) Tanjore ...	34	60	48	80·00	802	788	256	32·49
Tinnevelly ...	44	57	26	45·61	789	757	238	31·44
Vizagapatam ...	8	32	23	71·87	21	81	21	25·93
Total...	625	907	516	56·89	11,012	10,907	317	28·58

SUITS.

Files, disposals, and contested cases compared.

339. The Subordinate Judge of South Arcot disposed of five times as many Ordinary Suits as were filed in his Court during the year, 66 of them being contested cases involving questions of title: most of these, being shewn as received by transfer, must have been Suits originally instituted in the Courts of District Munsifs. 115 Suits or a little less than double the number filed were disposed of by the Calicut Subordinate Judge, and included 77 "Title and other Suits," all of which were contested. In the Courts of Kumbakonam, Tanjore, Vizagapatam, Negapatam, Madura (West), and Tinnevelly, the number of Suits disposed of was considerably in excess of the work received during the year. In Madura (East), the disposals exactly equalled the files, and in Bellary, Cocanada, Cochin and Tellicherry, they were less.

340. In Small Causes, the disposals slightly exceeded the numbers filed during the year in six Courts, *viz.*, Bellary, Cocanada, Madura (West), Calicut, Cochin and Vizagapatam.

Average duration.

341. In Ordinary Suits, the average duration of the cases disposed of after contest was 166 days and that of the cases decided without contest was 100 days. In Small Causes, the cases disposed of in either of these modes were pending 44 days on an average.

Arrears.

III.—ARREARS.

342. At the close of 1881, there were 316 Ordinary Suits and 1466 Small Causes, undisposed of on the files of these Courts.

343. Of these, 149 Ordinary Suits and 82 Small Causes were more than 3 months old and include 19 Ordinary Suits and 1 Small Cause pending over 12 months, leaving 130 Ordinary Suits and 81 Small Causes pending for between 3 and 12 months. As already observed (para 289), these figures do not admit of comparison with the state of the pending files for preceding years. The average numbers of Ordinary Suits and Small Causes pending for between 4 and 12 months for the previous seven years were 127 and 41 respectively.

Arrears of over twelve months compared with the past seven years.

344. The following table compares the numbers of Ordinary Suits and Small Causes pending over 12 months at the end of 1881 with those for the preceding seven years.

Year.	Pending over 12 months. Ordinary Suits.	Small Causes.
1874	44	...
1875	119	...
1876	84	...
1877	39	1
1878	10	1
1879	19	5
1880	23	6
Total ...	288	13
Average	41	2
Compare 1881 ...	19	1

345. This table shows a considerable improvement, viz., a reduction in arrears of this class by 56 per cent on the average of the last seven years.

Causes of pendency.

346. Of Ordinary Suits, 39 were pending return of summons and 6 of Commission, 59 were awaiting settlement of issues and 3 of the award of arbitrators, 206 were ready for final disposal, and 3 were pending Judgment.

347. Of Small Causes, 638 were pending return of summons and 9 of Commission, 35 were awaiting the award of arbitrators, 783 were ready for final disposal, and 1 was pending judgment.

Courts with the heaviest arrears and oldest cases.

348. The Negapatam and Cuddalore Subordinate Judges' Courts had the largest arrears of Ordinary Suits, but their pending files of Small Causes were not heavy. The Tellicherry and Vizagapatam Courts do not show many pending Ordinary Suits, but had the largest number of Small Causes in arrear. The oldest pending Suits were in Negapatam (Ordinary 773 days), Bellary (Ordinary, 699 days), Cocanada (Ordinary, 582 days, and Small Cause, 485 days), Kumbhakonam (Ordinary, 422 days, and Small Cause, 410 days.)

IV.—UNREGISTERED PLAINTS.

SUITS.

Unregistered plaints.

349. During the year under review, 12 plaints in Ordinary Suits and 53 in Small Causes were rejected or returned before registration; and 13 of the former and 66 of the latter were pending registration at the close of the year, the oldest in each class having been allowed to remain unregistered for 17 and 16 days in the Courts of Cuddalore and Tanjore respectively.

B.—EXECUTIONS.

EXECUTIONS.

Institutions.

350. 12,484 applications for execution were received in these Courts in 1881. Including 1,135 pending at the beginning of the year, 314 received by transfer from other Courts, 2 received by remand, and 27 re-admitted, the total number for disposal was 13,862.

Disposals and mode of disposal.

351. Deducting 462 transferred to other Courts for execution, the net total for disposal was 13,500. Of these, 11,955 were disposed of, 3,828 being withdrawn or otherwise not prosecuted, or rejected or dismissed, and the proceedings being finally closed in 8,127 cases, as shown below :—

Decrees how satisfied.

Number of cases in which satisfaction was obtained through Court in whole or in part	2,273	
,, adjusted out of Court	911	
,, in which execution was wholly infructuous	4,943	
		8,127

352. In 2,048 out of the said 2,273 cases in which satisfaction was obtained through the Court, process had to be issued.

Decrees how executed.

353. Of the 8127 cases in which proceedings were finally closed, the judgment-debtor was arrested but released in 678, and moveable or immoveable property was attached but released in 263; the remaining 7186 cases are distributed below according to the manner in which execution was effected.

Number of cases in which judgment-debtor was imprisoned	187	
,, ,, moveable property was transferred or sold ...	342	
,, ,, immoveable do. ...	418	
,, ,, immoveableproperty was otherwise dealt with ...	9	
,, ,, specific performance was enforced	1	
,, ,, partition was effected	8	
,, ,, execution was otherwise effected...	6,221	
		7,186

Amount realized.

Rupees 7,23,820 were realized on account of suitors' after issue of process, and Rupees 87,407 were monies voluntarily paid into Court; the total being Rupees 8,11,227.

Average duration.

354. The average duration of an application for execution disposed of was 51 days.

Arrears.

355. 1,545 applications were awaiting disposal at the end of 1881, and of these, 18 were pending for more than a year, the oldest of them having been on the file of the Subordinate Judge of Tanjore for 837 days.

Unregistered applications.

356. 89 applications for execution were rejected or returned before registration. 74 were pending registration at the close of the year, the one presented earliest being only 19 days old.

INSOLVENCY.

C.—INSOLVENCY.

Institutions, disposals, &c.

357. 120 applications for declarations of insolvency were received in 1881. 114 of these were from judgment-debtors under arrest or imprisonment and 6, from those not so. The largest number (25) filed was in the Tellicherry Court. Adding to these the 17 applications pending from 1880, the total for disposal was 137; of this number, 110 were disposed of, 45 being withdrawn or otherwise not prosecuted, and 29 being granted, in 7 of which receivers were appointed; the remaining 36 were rejected, and in only one of these was sentence of imprisonment passed under Section 359.

Average duration.

358. The average duration of the applications disposed of was 110 days.

Arrears.

359. At the end of the year, 27 applications remained to be disposed of, the oldest having been pending in the Calicut Court for 150 days.

Receivers appointed and amount realized and disbursed.

360. Including the 7 cases above referred to, the estates of 8 insolvents were placed in charge of receivers during the year, one-half the number being in the Madura (East) Court. 5 were pending from last year, and thus there were, in all, 13 cases in the hands of receivers. In 6 of these, proceedings were finally closed during the year. The amount realized during the year was Rupees 747, which, with the 7 Rupees remaining unpaid at the beginning of the year, amounted to Rupees 757. Of these, Rupees 337 were disbursed, the balance, Rupees 417, being left in the hands of Receivers.

Unregistered applications.

361. One application was rejected or returned before registration, and 2 were pending registration, both of them having been presented 9 days before the close of the year.

MISCELLANEOUS CASES.

D.—MISCELLANEOUS CASES.

Institutions.

362. 18,473 applications other than for execution of decrees and for declarations of insolvency were received during the year, the largest number (2,907) filed being in the Subordinate Judge's Court at Negapatam and the smallest (401) being in that at Mangalore.

Disposals.

363. Including 341 pending at the beginning of the year, 16 received by transfer, and 3 by remand, and 11 re-admitted, and excluding transfers, there were 18,840 applications for disposal.

Mode of disposal.

Of these, 18,362 cases were disposed of, as shewn below:—

Without trial...		821
Without contest.	Compromised ...	141
	Ordered on confession ...	1,026
	„ *ex parte* ...	12,649
	Dismissed *ex parte* ...	873
After contest.	Decided for Petitioner ...	1,633
	„ Counter-Petitioner ...	1,216
	By arbitration ...	3
	Total ...	18,362

Average duration.

364. The average duration of the contested applications disposed of is 31 days.

Arrears.

365. 478 applications were left undisposed of at the close of the year. Of these, 8 were more than a year old, all in the Courts of Madura (West and East), the oldest being pending in the former Court for as many as 846 days.

Causes of pendency.

366. Of these 478 applications, 91 were pending return of notices, 385 were ready for final disposal and 2 were pending judgment or order.

Unregistered applications.

367. 27 applications were rejected or returned before registration. At the close of the year, there were 64 applications to be registered, the oldest of these having been pending in the Subordinate Judge's Court of Madura (West) for 144 days.

V.—District Courts.

A.—SUITS.

I.—INSTITUTIONS.

SUITS.

Institutions.

368. 350 Ordinary suits were instituted in these Courts in 1881.

1881 compared with the previous ten years.

369. The following figures show the variations from year to year in the number of Suits instituted in District Courts and the Courts of the Agents and Judicial Commissioner for the 10 years, 1871 to 1880.

1871	644	1878	199
1872	543	1879	339
1873	310	1880	377
1874	241		
1875	284	Total...	1,992
1876	291		
1877	261	Average for the last 7 years.	285
		Compare 1881 ...	350

370. The average for these Courts is calculated on the same principle as for District Munsifs' and Subordinate Judges' Courts. The figures for 1881 include 48 Summary Suits under Chapter XXXIX of the Civil Procedure Code.

371. 1881 has fallen below 1880 by 27 Suits, though in excess of 1879 by 11. As compared with the 6 years preceding 1879, the institutions of 1881 are higher than the highest figures by 40.

Five years' institutions distributed by Districts.

372. The following is a comparative statement showing the distribution by Districts of Ordinary Suits in these Courts for the 5 years, 1877 to 1881.

District.	Subordinate Judges.									
	1877	1878	1879	1880	1881	1877	1878	1879	1880	1881
Arcot (North)	...	...	...	...	...	11	22	23	19	25
Arcot (South)	...	...	1	1	1	2	1	...	1	4
Bellary	1	1	1	1	1	40	7	1	3	6
Canara (South)	1	1	1	1	1	2	1	2	7	1
Chingleput	...	...	...	...	...	15	21	21	28	21
Coimbatore	...	...	...	...	...	14	17	18	20	14
Nilgiris	...	...	...	...	...	8	8	10	17	16
Cuddapah	...	...	...	...	...	10	13	20	19	12
Ganjam...	1	1	1	...	...	10	11	20	17	15
Ganjam (Agency)	...	...	...	...	...	29	2	3	1	5
Godavari	1	1	1	1	1	17	20	26	37	35
Do. (Agency)	...	...	...	...	...	...	...	...	...	13
Kistna	...	...	...	...	...	10	11	39	82	62
Kurnool	...	...	...	...	...	8	12	14	7	4
Madura	2	1	2	2	2	...	...	...	...	4
Malabar (North)	1	1	1	1	1	1	...	1	1	3
Malabar (South)	2	2	2	2	2	..	3	8	1	1
Nellore	...	...	...	...	...	20	17	21	14	9
Salem	1	1	1	...	...	8	...	8	24	13
Tanjore (North)	0	1	1	1	1	3	3	2	11	32
Tanjore (South)	2	1	2	2	2		...	1	3	2
Tinnevelly...	2	2	2	1	1	8	1	...	1	4
Trichinopoly	...	...	...	...	...	21	12	13	20	3
Vizagapatam	...	...	...	...	1	24	14	24	41	6
Vizagapatam (Agency) ...	...	...	...	...	...	...	3	64	3	
					Total...	261	199	339	377	350
					Average per District	12	9	16	18	16

373. In Godavari and Vizagapatam, as many as 35 and 36 Suits respectively were instituted in 1881, notwithstanding that in each there was a Subordinate Judge's Court: such of the former as were not brought in the District Court under some special provision of law must have arisen in the area not comprised in the limits of

SUITS.

Five years' institutions compared by districts.

the original jurisdiction of the Subordinate Judge of Cocanada, while those in the latter, excepting Suits of the class just described, must have been filed prior to November 1881, when a Subordinate Judge's Court was established at the District Court station. The Kistna file of 1881 falls short by 20 Suits of that of 1880, though it is six times that of 1877 and 1878 and nearly double that of 1879; in North Tanjore, there were only 2 Suits filed against 11 in 1880. In Salem, there is an increase of 9 Suits. The Godavari Agent's Court has, for the first time, entertained suits in 1881. On the whole, there is an increase in 8 Districts as compared with 1880, and a decrease in all the other Districts, except South Malabar, where one suit only was filed in 1881 as in 1880.

Institutions of 1881 classified according to subject matter.

374. Excluding the work received in the Judical Commissioner's Court of the Nilgiris and the Courts of the Agents, a classification is given below, according to subject-matter, of the Ordinary Suits instituted in these Courts, showing the proportion the number in each class bears to the total.

			Ordinary Suits. Number.	Percentage.
Suits for money or moveable property.	On contract.	in writing	122	38·61
		not in writing	4	1·26
	Rent		1	0·32
	Moveable property or its value		5	1·58
	Damages		2	0·64
	Other Suits		19	6·01
Other suits.	Relating to immoveable property		89	28·16
	Other Suits		74	23·42
		Total...	316	100·00

375. More than one-half (163) of the Suits instituted were 'Title and other Suits', and of these, 89 or over 28 per cent of the total related to immoveable property. Of the 153 Suits for money or moveable property filed, as many as 126 or 82.35 per cent were Suits on contract.

376. The following table distributes these Suits according to Districts and also according to subject-matter.

Institutions of 1881 distributed according to Districts and subject matter.

Districts.	Suits for money or moveable property.	Title and other Suits.	Total.
Arcot (North)	15	10	25
Aroct (South)	...	4	4
Bellary	5	1	6
Canara (South)	...	1	1
Chingleput	10	11	21
Coimbatore	9	5	14
Cuddapah	4	8	12
Ganjam	3	12	15
Godavari	10	25	35
Kistna	48	14	62
Kurnool	2	2	4
Madura	...	4	4
Malabar (North)	3	...	3
Malabar (South)	...	1	1
Nellore	10	9	19
Salem	16	17	33
Tanjore (North)	...	2	2
Tanjore (South)	...	2	2
Tinnevelly	...	4	4
Trichinopoly	8	5	13
Vizagapatam	10	26	36
Total. ...	153	163	316

SUITS.

Institutions of 1881 classified according to districts and subject matter.

377. In South Arcot, South Canara, Madura, South Malabar, Tanjore (North and South) and Tinnevelly, the number of Suits instituted was small, but they were all 'Title and other Suits.' In Ganjam, 12 of the class first described were instituted as against 3 for money or moveable property. The largest numbers, for the year, of Suits of the former class were filed in Vizagapatam and Godavari (26 and 25) against 10 for money or moveable property; in Cuddapah, there were twice as many 'Title &c., Suits,' as Suits for money, &c. In Chingleput, Nellore and Salem, the Suits of one class were about equal in number to those of the other; but in Kistna where the largest number (62) in the year was filed, the proportion of Title &c., Suits was to those for money or moveable property as 2 to 7.

Aggregate and average value.

378. The value of 43 Suits could not be estimated in money, and the total value of the remaining 273 Suits is Rupees 55,75,818, giving an average of Rupees 20,424 per Suit.

379. Below is a distribution of these Suits according to value.

Institutions of 1881 classified according to value.

Grade of value.	Ordinary suits.	
	Number.	Percentage.
Not exceeding 10 Rupees.	1	0·32
Above 10 Rupees and not exceeding 50 Rupees.	10	3·16
50 „ 100 „	11	3·48
100 „ 500 „	34	10·76
500 „ 1,000 „	6	1·90
1,000 „ 2,500 „	8	2·85
2,500 „ 5,000 „	104	32·59
5,000 „ 10,000 „	41	12·97
10,000 „ 1,00,000 „	54	17·09
Exceeding 1,00,000 Rupees.	4	1·27
Not estimable in money.	43	13·61
Total ...	316	100·00

380. Of these 316 Suits, 24 were Suits under special enactments giving exclusive jurisdiction to District Courts, and 48 were Summary Suits on Negotiable Instruments under Chapter XXXIX of the Civil Procedure Code, instituted in District Courts, in the absence either of a Subordinate Judges' Court or of a Court having local jurisdiction. The jurisdiction under Special enactments accounts also for the 70 Suits shown in this table as under Rupees 2,500 in value.

Disposals.

II. DISPOSALS.

381. Including 7 received by remand, and 6 re-admitted, the Suits received on the files of these Courts during the year aggregate 329.

382. To these, 216 Suits pending at the end of 1880, being added, and transfers being excluded, the total for disposal during the year was 522. Of this number, 336 Suits were disposed of, leaving 186 pending at the close of the year.

SUITS.

Work of 1881 compared with the previous seven years.

383. The following table shows the variations from year to year in the work for disposal, disposed of, and pending, in the District Courts, for the seven years, 1874 to 1880.

Year.	Number of District Judges.	Number for disposal.	Number disposed of.	Number in arrear.	Percentage of arrears to total for disposal.	Average number disposed of per Court.
1874	21	511	281	230	45·09	13
1875	21	558	354	204	36·56	17
1876	20½	524	347	177	33·78	17
1877	20	459	305	154	33·55	15
1878	21	363	203	160	44·07	10
1879	21	443	276	167	38·69	13
1880	21	548	332	216	39·41	16
Total...	145½	3,406	2,098	1,308	38·40	14
Average for seven years.	20¼	487	298	187	38·39	14
Compare 1881.	21	522	336	186	35·63	16

384. In 1881, the number of Suits for disposal was above the average of the preceding seven years, but less than the number in 1875, 1876 and 1880. The number of Suits disposed of was also above the average and only less than in 1875 and 1876. The work left undisposed of at the close of the year was very nearly equal to the average, and considerably less than at the close of 1880.

Mode of disposal.

385. Below is a classification of the result of these Suits :—

Disposed of.		Number.	Percentage.	
Without trial.		42		12·50
Without contest.	Compromised....	49	39·52	36·90
	Decreed on confession	14	11·29	
	Decreed *ex-parte*.	59	47·58	
	Dismissed *ex-parte*.	2	1 61	
	Total...	124	100·00	
With contest.	Decreed for plaintiff in whole or in part.	72	42·35	50·60
	Decreed for defendant	92	54·12	
	By arbitration.	6	3·53	
	Total...	170	100·00	
	Grand Total...	336		100·00

386. Over 50 per cent of the Suits were disposed of after contest. Of these, the number decided for defendant is larger than that for plaintiff by 20 Suits, or nearly 22 percent, a result exactly the reverse of that in the other classes of Courts.

387. The following table compares these results with those of the preceding seven years. SUITS.

Disposals in 1881 compared in detail with the previous seven years.

Year.	Suits disposed of.					Percentage.	
	Without trial.	Without contest.	After contest.	For plaintiff.	For defendant.	Of Col. 4 to total.	Of Col. 6 to Col. 5.
1	2	3	4	5	6	7	8
1874 ...	21	105	155	132	67	55·16	50·76
1875 ...	23	156	175	189	77	49·43	40·74
1876 ...	27	118	202	175	85	53.21	48·57
1877 ...	20	115	170	155	75	55·74	48 39
1878 ...	16	74	113	99	42	55·67	42·42
1879 ...	32	87	157	129	68	56·68	52·71
1880 ...	30	125	177	167	92	53·31	55·09
Total...	169	780	1149	1,046	506	55·03	48·32
Average....	24	111	164	149	72	55·03	48·32
Compare 1881...	42	124	170	145	94	46·43	64·83

388. The number of contested cases was slightly over the average but a little lower than in 1880 and 1875. The number of uncontested cases are also above the average and have been exceeded only in 1875. There is a decrease below the average in the number of cases decided in favor of plaintiff, but the number decreed for defendant is much in excess of the average and is higher than the figures for any of the previous seven years.

389. The proportion of disposals to the total file and the proportion of contested cases to total disposal, in each District, will be seen in the following statement.

Work of 1881 distributed by Districts.

Districts.	Total filed.	Total disposed of.	Total disposed of after contest.	Percentage of col. 4 to col. 3.
1	2	3	4	5
Arcot (North)	26	26	11	42·31
Arcot (South)	5	4	2	50·00
Bellary	7	6	3	50·00
Canara (South)	1	3	2	66·67
Chingleput	22	25	15	60·00
Coimbatore	14	14	4	28·57
Cuddapah	12	22	11	50·00
Ganjam	17	12	9	75·00
Godavari	36	22	10	45·45
Kistna	64	55	9	16·36
Kurnool	4	3	1	33·33
Madura	4	13	12	92·31
Malabar (North)	3	6 *	...	...
Malabar (South)	1	1	1	100·00
Nellore	19	15	7	46·66
Salem	33	33	21	63·63
Tanjore (North)	2	11	6	54·54
Tanjore (South)	2	3	3	100·00
Tinnevelly	4	1	1	100·00
Trichinopoly	13	18	9	50·00
Vizagapatam	40	46	33	71·74
Total ...	329	339	170	50·15

* Three of those were Small Causes, received by transfer from other Courts.

SUITS.

390. In the District Court of Cuddapah, the number of cases disposed of exceeded the number filed by 10, one-half of them being contested cases.

Work of 1881 compared by districts.

391. The District Courts of Madura and North Tanjore disposed of 9 Suits each more than the number filed in the year in these Courts, almost all the cases in the former Court being decided after contest. The Kistna Court disposed of the largest number of cases, though less than the number filed, but most of these were Summary Suits on Negotiable Instruments. The Vizagapatam Court shows the next highest disposals (46), 33 of them being contested cases. In four other Districts, Canara (South,) Chingleput, Tanjore (South) and Trichinopoly, the disposals exceeded the numbers received, but in Arcot (North), Coimbatore, Malabar (North) and Salem, the institutions and disposals were exactly equal, 63 per cent. of the cases disposed of in the last named district, being contested.

Average duration.

392. The average duration of cases disposed of after contest was 289 days, and that of cases decided without contest was 124 days.

Arrears.

III.—ARREARS.

393. At the end of 1881, there were 186 Suits awaiting disposal.

394. Of these, 100 were more than 3 months old and included 29 Suits pending over 12 months, leaving 71 pending for between 3 and 12 months. As observed elsewhere (para 289), there are no materials available for comparing these figures with those of previous years.

395. The average number of Suits pending for between 4 and 12 months for the previous seven years is 54.

Arrears of over 12 months compared with the previous seven years.

396. The following table compares the number of Suits pending over 12 months at the close of 1881 with those for the preceding seven years 1874 to 1880.

1874	71	1879	30
1875	58	1880	38
1876	43		
1877	34	Total ...	313
1878	39		
		Average ...	45
		Compare 1881 ...	29

Causes of pendency.

397. Of the total remaining undisposed of, 39 were pending return of summonses and 5 of Commissions, 30 were pending settlement of issues, 8 were awaiting arbitrators' award, 102 were ready for final disposal and 2 were awaiting Judgment.

Courts having the heaviest and smallest arrears.

398. There was no Suit pending on the file of the District Court of Vizagapatam, notwithstanding that it had the largest number of Suits for disposal, excepting Salem. The District Courts of South Arcot, Cuddapa, Madura, North Tanjore and Trichinopoly, had the smallest arrears. The arrears were the heaviest in the District Courts of Godavari, Kistna, Nellore and Salem.

Courts with the oldest cases pending.

399. Of the pending Suits, the oldest were in Godavari (794 days), Ganjam (awaiting judgment, 772 days) Madura (581 days), North Arcot (447 days) and Chingleput (311 days).

IV.—UNREGISTERED PLAINTS.

Unregistered plaints.

400. 3 plaints were rejected or returned before registration, and there were 4 pending registration at the close of the year. The oldest of these was in the Trichinopoly District Court, pending 26 days, and the next oldest was in the Tinnevelly Court pending 24 days.

B—EXECUTIONS.

EXECUTIONS

Institutions

401 .641 applications for execution were received in these Courts in 1881. Including 230 pending at the beginning of the year, 189 received by transfer from other Courts, and 3 re-admitted, the total number for disposal was 1,063.

Disposals and mode of disposal.

402. Deducting 55 transferred to other Courts for execution, the net total for disposal was 1008. Of these, 809 were disposed of, 203 being withdrawn or otherwise not prosecuted, or rejected or dismissed, and the proceedings being finally closed in 606 cases, as shown below :—

Decrees how satisfied.

Number of cases in which satisfaction was obtained through Court in whole or in part	388
adjusted out of Court	47
„ in which execution was wholly infructuous	171
	606

403. The Court had to issue its process in 337 out of the 388 cases in the above statement.

Decrees how executed.

404. Of the 606 cases in which proceedings were finally closed, the judgment-debtor was arrested but released in 44, and moveable or immoveable property was attached but released in 42, and the remaining 520 cases are distributed below according to the manner in which execution was effected.

Number of cases in which judgment-debtor was imprisoned	18
„ „ moveable property was transferred or sold ...	43
„ „ immoveable do. ...	123
„ „ immoveable property was otherwise dealt with ...	15
„ „ specific performance was enforced	3
„ „ partition was effected	7
„ „ execution was otherwise effected	311
	520

Amount realized.

405. Rupees 4,91,916 were realized on account of suitors after issue of process, and Rupees 1,93,853 were monies voluntarily paid into Court; the total being Rupees 6,85,769.

Average duration.

406. The average duration of the disposed-of applications for execution was 143 days.

Arrears.

407. 199 applications were awaiting disposal at the close of 1881, and of these, 20 were pending for more than a year, the oldest of them having been on the file of the District Court of South Canara for 1,018 days.

Unregistered applications.

408. One application for execution was rejected or returned before registration. Four were pending registration at the close of the year, the one presented earliest being only 12 days old.

INSOLVENCY.

C.—INSOLVENCY.

Institutions. dis posals, &c.

409. 18 applications for declarations of insolvency were received in 1881. 13 of these were from judgment-debtors under arrest or imprisonment, and 5 from those not so. The largest number (5) filed was in the Chingleput Court. Adding to these the 2 applications pending from 1880, the total for disposal was 20; of this number, 11 were disposed of, 6 being withdrawn or otherwise not prosecuted, and all the remaining 5 being rejected, a sentence of imprisonment under Section 359 being passed in only one of them.

Average duration.

410. The average duration of the disposed of applications was 23 days.

Arrears.

411. At the close of the year, 9 applications remained to be disposed of, the oldest having been pending in the District Court of Bellary for 395 days.

Unregistered applications.

412. At the close of the year, there was only one application to be registered and this was pending in the Chingleput District Court for 11 days.

D.—MISCELLANEOUS CASES.

MISCELLANEOUS CASES.

Institutions

413 9,731 applications other than for execution of decrees and for declaration of insolvency were received during the year, the largest number (1,637) filed being in the District Court of North Malabar, and the smallest (82) in that of Kurnool.

Disposals and mode of disposal.

414. Including 440 pending at the beginning of the year, 3 received by transfer, and 9 by remand, and 6 re-admitted, and excluding transfers, there were 10,117 applications for disposal. Of these, 9,622 cases were disposed of, as shewn below :—

Without trial		1,215
Without contest.	Compromised	40
	Ordered on confession	743
	„ *ex parte*	5,430
	Dismissed *ex parte*	575
After contest.	Decided for petitioner	936
	„ Counter-petitioner	682
	By arbitration	1
	Total ...	9,622

Average duration.

415. The average duration of the contested applications disposed of was 42 days.

Arrears.

416. 495 applications were left undisposed of at the close of the year. Of these, 7 were more than a year old, 5 of which were in the District Court of Madura, the oldest having been pending in that Court for as many as 641 days.

Causes of pendency.

417. Of these 495 applications, 165 were pending return of notices, 299 were ready for final disposal, and 29 were pending judgment or order.

Unregistered applications.

418. 14 applications were rejected or returned before registration. At the close of the year, there were 24 applications to be registered, the oldest of these having been pending in the District Court of South Canara for 15 days.

CIVIL JUSTICE.

APPELLATE JURISDICTION.

COURTS UNDER THE HIGH COURT.

Number of Courts.

419. In 1881, there were 43 Courts vested with appellate jurisdiction.

420. Of these, 21 were presided over by District Judges, 3 by Agents to the Governor, 1 by a Judicial Commissioner, 14 by Subordinate Judges, and 4 by Assistant Agents. Excluding the Subordinate Judge's Court of Cochin which did no appellate work, the number of Courts actually exercising jurisdiction was 42. Of these, the Judicial Commissioner's Court of the Nilgiris and the Agents' and Assistant Agents' Courts are exceptional Courts which exercise appellate powers in so limited a number of cases that they may practically be left out of account. Omittingthese, the actual appellate work of the year is found to have been divided among 34 Courts.

A.—APPEALS FROM DECREES.

I.—INSTITUTIONS.

APPEALS FROM DECREES.

Institutions.

421. The total number of Appeals instituted in 1881 was 6,697. Excluding 26 Appeals instituted in the exceptional Courts abovementioned, *viz.*, 8 in the Nilgiri Judicial Commissioner's Court, 17 in Agents' Courts, and 1 in an Assistant Agent's Court, the Appeals instituted numbered 6,671, of which 126 were in the Court of the Subordinate Judge of Coconada, and 6,545 in District Courts.

Contribution of the several classes of Courts.

422. Including 43 Appeals received by remand and 76 re-admitted, the aggregate number of Appeals filed during the year was 6,816, and the 26 Appeals mentioned in the preceding para being excluded, the remaining 6,790 were distributed among the two classes of Appellate Courts in the following proportions:—

Class of Courts.	Number.	Percentage.
Subordinate Judges' Courts	171	2·52
District Courts...	6,619	97·48
Total...	6,790	100·00

Institutions of 1881 compared with those of previous ten years.

423. The following figures show the variations in the total number of Appeals filed from year to year for the ten years, 1871 to 1880:—

1871...	5,981	1879...	6,399
1872...	7,003	1880...	6,749
1873...	6,506		
1874...	6,901	Total ...	66,836
1875...	7,364		
1876...	6,872	Average...	6,684
1877...	6,734		
1878...	6,327	Compare 1881...	6,816

424. The files of 1881 show an increase of 67 Appeals over those of 1880; but, as compared with the average of the preceding ten years, the increase is 132. From 1879, appellate litigation shows a steady tendency to increase up to the numbers of the years preceding the famine. The files of 1881 are absolutely the largest since 1876, the year preceding the famine.

APPEALS FROM DECREES.

425. The following is a comparative statement showing, by Districts, the total number of Appeals filed for the five years, 1877 to 1881.

Institutions of the past five years distributed by Districts.

Districts.	Appeals filed in				
	1877.	1878.	1879.	1880.	1881.
Arcot (North)	126	78	148	178	199
Arcot (South)	180	260	219	267	262
Bellary	167	172	124	111	181
Canara (South)	477	539	469	514	525
Chingleput	229	268	239	269	307
Coimbatore	192	147	171	185	207
Nilgiris	7	12	7	12	8
Cuddapah	150	74	149	196	155
Ganjam	195	135	173	217	213
Do. Agency	1	4	6	8	7
Godavari	567	656	677	663	441
Do. Agency	...	...	...	...	5
Kistna	229	172	176	205	250
Kurnool	58	22	65	43	54
Madura	610	337	321	332	357
Malabar (North)	501	572	522	541	617
Malabar (South)	807	784	859	969	1,038
Nellore	132	101	136	157	166
Salem	197	192	221	252	238
Tanjore (North)	864	271	343	309	290
Tanjore (South)		513	411	467	434
Tinnevelly	569	402	293	298	303
Trichinopoly	203	247	346	295	227
Vizagapatam	272	356	306	255	326
Do. Agency	1	4	13	6	6
Total...	6,734	6,327	6,399	6,749	6,816
Average per District...	321	301	305	321	325

426. As compared with 1880, there has been in 1881 an increase in thirteen Districts—notably in Bellary, Kistna, South Malabar, and Vizagapatam: in all the other Districts, the files fell off. In Godavari, the decrease is very striking, being 217

APPEALS FROM DECREES.

Appeals or nearly one-third of the previous year's file. In Trichinopoly, the file fell off by 67 Appeals.

Institutions compared by Districts.

427. From 1879, there has been a gradual rise in the files of North Arcot, Coimbatore, Kistna, South Malabar and Nellore, those of 1881 exceeding even those of 1877. In South Canara, Chingleput, Madura and North Malabar, the files have steadily increased in number in 1880 and 1881, as compared with 1879. In North Tanjore, there has been a tendency to decrease since 1879.

Institutions of 1881 classified according to subject-matter.

428. Below is a classification, according to subject-matter, of all the Appeals newly instituted in 1881, showing the proportion the number in each class bears to the total.

Appeals in Suits for money or moveables	2,154	32·16
Do. in Suits under the Rent Recovery Act	399	5·96
Do. in title and other Suits	4,144	61·88
Total	6,697	100·00

The same classified according to Districts and subject matter.

429. The following table distributes the Appeals by Districts, and also according to subject-matter.

Districts.	Relating to money or moveables.	Under the the Rent Recovery Act.	Relating to title and other suits.	Total.
Arcot (North)	115	16	65	196
Arcot (South)	13	7	232	252
Bellary	84	...	95	179
Canara (South)	205	2	295	502
Chingleput	70	101	132	303
Coimbatore	95	1	103	199
Nilgiris	5	...	3	8
Cuddapah	80	...	69	149
Ganjam	95	15	103	213
Do. Agency	1	...	6	7
Godavari	167	5	262	434
Do. Agency	5	...	...	5
Kistna	120	28	100	248
Kurnool	32	...	22	54
Madura	128	49	180	357
Malabar (North)	31	...	575	606
Malabar (South)	268	...	764	1,032
Nellore	96	1	69	166
Salem	106	41	88	235
Tanjore (North)	74	...	211	285
Tanjore (South)	107	36	280	423
Tinnevelly	45	59	193	297
Trichinopoly	82	12	132	226
Vizagapatam	126	26	163	315
Do. Agency	4	...	2	6
Total	2,154	399	4,144	6,697
Average per District	103	19	197	319

430. In Appeals in Suits relating to money or moveables, South Malabar, South Canara and Godavari show the largest files, while South Arcot, North Malabar, Kurnool and Tinnevelly fall very much below the average. In Suits under the Rent Recovery Act, no Appeals were instituted in Bellary, Cuddapah, Kurnool, North and South Malabar, and North Tanjore : Chingleput has by far the largest number of this class of Appeals, *viz.*, more than one-fourth of the total institution, and nearly four times the average. In Appeals relating to title and other Suits, North Malabar, South Malabar, South Canara, Godavari, and South Tanjore take the lead of all the other Districts; while Kurnool has the smallest file in this as in other classes. Relatively

APPEALS FROM DECREES.

to the other classes of Appeals, North Malabar has, in title and other Suits, by far the largest proportion of Appeals, *viz.*, 96·40 of the whole file ; next to it comes South Arcot, with 232 Appeals in title and other Suits, being 92 per cent. of the entire file. In South Malabar, which has engrossed nearly a sixth of the total institution, the number of Appeals in title and other Suits is to those in Suits for money or moveables in the proportion of 3 to 1.

Aggregate and average value.

431. The value of 182 Appeals could not be estimated in money, and the total value of the remaining 6,515 is Rupees 16,63,878, giving an average of Rupees 256 per Appeal.

Institutions of 1881 classified according to value.

432. Below is a distribution of the Appeals according to value.

Grade of value.	Number.	Per centage.
Not exceeding 10 Rupees	523	8·03
Above 10 Rupees and not exceeding 50 Rupees	1,522	23·36
„ 50 „ „ 100	1,441	22·12
„ 100 „ „ 500	2,318	35·58
„ 500 „ „ 1,000	408	6·26
„ 1,000 „ „ 2,500	243	3·73
„ 2,500 „ „ 5,000	60	0·92
Total...	6,515	100·00

433. No valuation of Appeals for sums or property exceeding Rupees 5,000 finds a place in this table, as such Appeals lie direct to the High Court (Act III of 1873, Section 13, Clause 2). Of the 711 Appeals ranging between 500 Rupees and 5,000 Rupees in value, South Malabar, North Tanjore, Madura, South Tanjore, and South Canara have contributed the largest numbers, the institutions in Appeals of this class in these Districts being 99, 70, 69, 64 and 59 respectively.

Appeals under Rs. 500 classified according to value and subject-matter.

434. The remaining Appeals for sums or property not exceeding Rupees 500 number 5,804, and these are distributed below according to subject-matter.

Grade of value.	Appeals in		
	Suits relating to immoveable property.	Other suits.	Proportion of (2) to (3).
1	2	3	4
Not exceeding Rs. 10	377	146	2·51 to 1
Above 10 Rupees and not exceeding 50 Rupees ...	1,017	506	2·09 to 1
„ 50 „ „ 100	832	609	1·37 to 1
„ 100 „ „ 500	1,154	1,163	1 to 1
Total...	3,380	2,424	1·39 to 1

435. Appeals in Suits relating to immoveable property bear the largest proportion to all other Appeals in the lowest grades of value (10 Rupees and 50 Rupees), the proportion falling rapidly as the grades ascend. In the highest grade, *i. e.*, not exceeding 500 Rupees, the Appeals in both classes of Suits are very nearly equal in number.

II.—DISPOSALS.

APPEALS FROM DECREES.

436. Including 3,524 Appeals pending at the end of 1880, and excluding transfers, the total number for actual disposal was 10,340.

Disposals.

437. Of these, 38 were on the files of the Judicial Commissioner of the Nilgiris and of the Agents to the Governor at Ganjam, Godavari and Vizagapatam and their Assistants, who disposed of 30, leaving 8 in arrear.

438. Omitting these exceptional Courts, the files of which cannot well be compared with those of the "Regular" Courts, the net total for disposal was 10,302, of which 3,389 were on the files of Subordinate Judges, and 6,913, on those of District Judges.

439. 7,611 Appeals, in all, were disposed of, viz., 2676 in Subordinate Judges' Courts, and 4,935 in District Courts, being in the proportion of 35·16 and 64·84.

Disposals in 1881 distributed according to Courts and compared with those of previous ten years.

440. The following figures show the variations from year to year in the proportions in which Subordinate Judges and District Judges disposed of Appeals for the last ten years, 1871 to 1880. The appellate work done by Courts of Small Causes is left out of account, as they no longer exist, having been abolished from April 1879.

Year.	Subordinate Judges.	District Judges.
1871	45 70	54·30
1872	50·23	49·77
1873	38·84	61·16
1874	39·89	60·11
1875	35·83	64·17
1876	33·09	66·91
1877	37·37	62·63
1878	37·80	62·00
1879	35·66	64·34
1880	33·85	66·15
Average...	32·78	67·22
Compare 1881...		

441. From the above, it may be gathered that the proportions in which the two classes of Courts have contributed to the disposal of appellate litigation vary materially from year to year: that this variation is in a great measure due to frequent fluctuations in the number of Subordinate Judges will appear from the next succeeding table.

Work of 1881 in Subordinate Judges' Courts compared with the previous ten years.

442. The subjoined statement shows how the work for disposal, disposed of, and in arrear, varied from year to year in Subordinate Judges' Courts for the ten years, 1871 to 1880.

Year.	Number of Subordinate Judges.	Number for disposal.	Number disposed of.	Number in arrear.	Percentage of arrear to total for disposal.	Average number disposed of per Court.
1871	14	4,372	2,746	1,626	37·19	196
1872	15	4,497	3,536	961	21·37	236
1873	12	3,379	2,474	905	26·79	206
1874	15	3,215	2,322	893	27·78	155
1875	13	3,100	2,450	650	20·97	188
1876	15	2,995	2,317	678	22·64	154
1877	14	3,502	2,701	811	22.88	193
1878	13	3,159	2,368	791	25·04	182
1879	13¾	2,714	2,144	570	21·01	156
1880	13	2,650	2,268	382	14·42	174
Total...	137¾	33,583	25,326	8,267	24·61	183
Average...	13 3/10	3,358	2,533	827	24·61	183
Compare 1881...	13⅕	3,389	2,676	713	21·04	203

APPEALS FROM DECREES.

443. It will be seen that the average number of Appeals disposed of by a Subordinate Judge is in 1881 as high as 203 as against 183, the average of disposals for the previous ten years. The increased disposals of 1881 took place chiefly in the Courts of the Subordinate Judges of Mangalore, Tinnevelly and Madura. As already stated, the Subordinate Judge of Cochin did no Appeal work; but the Vizagapatam Court disposed of 77 Appeals in two months.

Work of 1881 in District Courts compared with the previous ten years.

444. The variations from year to year in the work for disposal, disposed of, and in arrear, for the last 10 years, 1871 to 1880, in District Courts, will appear from the following statement:—

Year.	Number of District Judges.	Number for disposal.	Number disposed of.	Number in arrear.	Per-centage of arrears to total for disposal.	Average number disposed of per Court.
1871	21	6,466	3,263	3,203	49·54	146
1872	21	6,922	3,503	3,223	46·56	176
1873	21	6,781	3,896	2,885	42·55	186
1874	21	7,091	3,499	3,592	50·63	167
1875	21	8,496	4,387	4,109	48·35	209
1876	20½	8,304	4,685	3,617	43·56	223
1877	20	7,056	4,527	2,529	35·81	215
1878	21	6,224	3,897	2,327	37·33	186
1879	21	6,790	3,869	2,921	42·89	184
1880	21	7,564	4,433	3,131	41·37	211
Total ...	208½	71,694	39,959	31,537	44·01	190
Average...	20 17/19	7,169	3,996	3,154	44·01	190
Compare 1881...	21	6,913	4,935	1,978	28·93	235

445. This table shows that in 1881 a District Judge disposed of, on an average, 235 Appeals against 190, the average of disposals for the last ten years, and that in 1881 more work was done per Judge than in any year of the decade. In 1881, the District Court of South Malabar disposed of as many as 666 Appeals, being nearly three times the average disposal per Court; next in order come the District Courts of Vizagapatam, Chingleput, Trichinopoly and South Canara, with 366, 344, 339 and 334 Appeals, respectively. The results exhibited by the two preceding tables show that both classes of Appellate Courts have worked in 1881 with increased efficiency.

Mode of disposal.

446. The following figures give the general result of these Appeals:—

Disposed of.			Number.	Percentage.	
Without trial			501	100·00	6·58
Without contest.	Decree of Lower Court	Confirmed ...	278	68·98	5·30
		Modified ...	60	14·89	
		Reversed ...	65	16·13	
		Total ...	403	100·00	
After contest ...	Decree of Lower Court	Confirmed ...	3,943	58·79	88·12
		Modified ...	1,000	14·91	
		Reversed ...	1,759	26·23	
	By arbitration		5	·07	
		Total ...	6,707	100·0	
		Grand Total ...	7,611		100·00

APPEALS FROM DECREES.

447. The proportions of contested to uncontested cases disposed of, noticed in respect of Original Suits, are, as might be expected, more than reversed in the case of Appeals. In the former, the proportion was about 1 to 2; in the latter, 16 to 1. On the whole, the total number of cases in which the decrees of the Lower Court were confirmed bears to that in which the decrees were disturbed the proportion of 3 to 2.

Disposals of 1881 compared in detail with those of previous ten years.

448. The following table compares these results with those of the preceding ten years.

Year.	Appeals disposed of.				Decree confirmed.	Decree disturbed.	Percentage.			
	Without trial.	Without contest.	After contest.	Total.			Col. 2 to Col. 5.	Col. 3 to Col. 5.	Col. 4 to Col. 5.	Col. 7 to Col. 6.
1	2	3	4	5	6	7	8	9	10	11
1871...	373	411	5,225	6,009	3,535	2,101	6·21	6·84	86·95	59·44
1872...	684	580	5,971	7,235	2,702	2,849	9·45	8·02	82·53	105·44
1873...	643	269	5,458	6,370	3,519	1,716	10 09	4·22	85·69	48·76
1874...	548	225	5,048	5,821	3,206	2,067	9·41	3·87	86·72	64·47
1875...	661	186	5,990	6,837	3,634	2,487	9·67	2·72	87·61	67·51
1876...	571	191	6,240	7,002	3,862	2,569	8·15	2·73	89·12	66·00
1877...	657	268	6,303	7,228	4,126	2,425	9·09	3·71	87.20	58·77
1878...	566	192	5,507	6,265	3,583	2,106	9·03	3·07	87.90	58·77
1879...	467	191	5,355	6,013	3,445	2,101	7·77	3·17	89.06	60·98
1880...	455	244	6,002	6,701	3,851	2,395	6·79	3·64	89.57	62·19
Total...	5,625	2,757	57,099	65,481	35,473	22,816	8·59	4·21	87·20	64·32
Average...	563	276	5,710	6,548	3,547	2,282	8·59	4·21	87·20	64·32
Compare 1881...	501	403	6,707	7,611	4,221	2,889	6·58	5·30	88.12	68·44

449. Under the head of cases disposed of without trial are included Appeals rejected after registration for formal defects, or dismissed for default, as also Appeals withdrawn with or without leave. The proportion of these cases to total disposals has been falling off since 1878, and the decrease in 1881 as compared with 1877 is 2·51.

450. Appeals disposed of without contest include cases dealt with by the Courts under the provisions of Section 551 of the Civil Procedure Code. The increase noticeable under this head of disposal during the years, 1880 and 1881, may, presumably, be attributed to the application by the Courts of the procedure allowed in Section 551 above alluded to.

451. Appeals disposed of after contest are, during the period dealt with in the statement, shown to be in the proportion of 7 to 1 to total disposals: that the proportion will, in the nature of things, be high follows from the fact that Appeals very rarely arise from Suits which have not been contested in the Courts of First Instance.

452. Numerically, more decrees have been disturbed in 1881 than in any of the preceding ten years, 1872 excepted; and proportionately, only two years, 1872 and 1879, show a higher percentage.

APPEALS FROM DECREES.

453. The following statement compares, by Districts, the total number of Appeals disposed of with the total filed, and the number of contested cases disposed of with the total disposals, for 1881.

Files, disposals, and contested cases compared.

District.	Total filed.	Total disposed of.	Total disposed of after contest.	Percentage of Col. 4 to Col. 3
1	2	3	4	5
Arcot (North)...	199	183	154	84·15
Arcot (South)...	262	295	239	81·02
Bellary	181	135	124	91·85
Canara (South)	525	884	754	85·29
Chingleput	307	344	309	89·82
Coimbatore	207	188	179	95.21
Cuddapah	155	180	160	88·33
Ganjam	213	244	215	88·11
Godavari...	441	565	502	88·85
Kistna	250	200	189	94·50
Kurnool	54	56	50	89·29
Madura	357	286	251	87·76
Malabar (North)	618	627	563	89·82
Malabar (South)	1,038	1,021	861	84·33
Nellore	166	134	118	88·06
Salem	238	272	244	89·71
Tanjore (North)	290	374	334	89·30
Tanjore (South)	434	437	414	94·74
Tinnevelly	303	404	380	94·06
Trichinopoly	227	339	295	87·02
Vizagapatam	326	443	367	82·84
Total...	6,791	7,611	6,707	88·12

454. On the whole, this table proves that the Appellate Courts have been more than equal in 1881 to the incoming work, but some Districts have, of course, disposed of more, and some less, than the year's accrual. Of the Districts unaided by Subordinate Judges, Kistna and Nellore have each disposed of only four-fifths of the incoming files, and in North Arcot and Coimbatore, the number of disposals is slightly less than the number received. Of those Districts in which Subordinate Judges' Courts are located, Madura and Bellary alone show a smaller number of disposals than of receipts: in the former, the Subordinate Judge's Court (East) has contributed 25 disposals only. In South Malabar, also, the disposals are less than the receipts; but the difference is very slight, being only 17 out of 1038.

455. In the proportion of contested cases to total disposals, the percentages for Coimbatore, South Tanjore, Tinnevelly and Bellary are apparently above the average, while those for South Arcot and Vizagapatam are below it. In the rich and prosperous District of South Malabar, where cases are reputed to be most keenly contested, the percentage has fallen below the average, a circumstance which may perhaps be explained by the fact that as many as 149 Appeals were heard under Section 551 of the Civil Procedure Code, and dismissed.

III.—ARREARS.

Arrears

456. At the end of 1881, there were 2,699 Appeals awaiting disposal; and 8, which were pending in the exceptional Courts above mentioned being deducted, there were 713 pending in Subordinate Judges' Courts, and 1,978 in District Courts, as shown in the statements given at pages, 83 and 84.

457. Of these, 847 Appeals were more than 3 months old, and include 107 Appeals pending over 12 months, leaving 740 pending for between 3 and 12 months. The returns received from Lower Courts up to 1880 showed the number of Appeals pending over 4 months, instead of over 3 months as in the returns introduced in 1881 under instructions from the Government of India, and materials are

APPEALS FROM DECREES.

Arrears.

therefore wanting for a proper comparison of the state of arrears at the close of 1881 with those of previous years. According to last year's report, the average number of Appeals pending for between 4 and 12 months for the previous ten years was 1,694; but these exclude cases pending for between 3 and 4 months, which are included in the 740 Appeals above referred to. The result, therefore, is even more favourable to the Appellate Courts for the year under review than what the mere figures would appear to show.

Arrears in 1881 of over twelve months compared with those of previous ten years.

458 The following table compares the number of Appeals pending over 12 months at the close of 1881 with those for the preceding 10 years, 1871 to 1880.

1871	... ...	1,182	1879	.. ...	216
1872	... ...	824	1880	... ...	277
1873	... ...	497		...	
1874	... ...	269	Total...	...	4,760
1875	... ...	505		...	
1876	... ..	557	Average ...	...	476
1877	... ...	270			
1878	... ...	163	Compare 1881 ..	...	107

459. The results appearing in this statement show a very marked improvement, *viz.*, a reduction to 22·5 per cent of the average of the previous ten years, and to 49·5 and 38·6 per cent, respectively, of the figures for 1879 and 1880. Even as compared with 1878, which, of all the previous ten years, had the smallest arrear, 1881 shows a diminution to 65·6 per cent.

Causes of pendency.

460. Of the 713 Appeals pending in Subordinate Judges' Courts, 341 awaited return of notice to the opposite party, and in 28 cases, either findings on issues or explanations have been called for. Of the remaining 244 Appeals, 6 awaited judgment and 238 were ready for final disposal.

461. Of the 1,978 Appeals pending in District Courts, 936 awaited return of notice to the opposite party, and in 85 cases, either findings on issues or explanations have been called for. Of the remaining 957 Appeals, 22 awaited judgment and 935 were ready for final disposal.

Courts with the lightest arrears.

462. The District Courts of North Arcot, South Arcot, Bellary, Coimbatore, Cuddapah, Kurnool, Madura, South Malabar, and Tinnevelly, and the Subordinate Judges' Courts of Cuddalore, Negapatam, Tanjore, and Tinnevelly, have the smallest arrears; among these Courts, the proportion of arrears to totals for disposal is lowest in the South Malabar, South Arcot, and Tinnevelly District Courts, and also in the three last-named Subordinate Judges' Courts.

Courts with the heaviest arrears.

463. The District Courts of South Canara, Chingleput, Godavari, and North Malabar, and the Subordinate Judges' Courts of Tellicherry and Vizagapatam have the heaviest arrears.

Age of pending cases

464. In South Malabar (a District which holds the first place in the litigation of the Presidency), the District Judge (Mr. Wigram) states that Appeals are, as a rule, never allowed to be pending for a period exceeding 6 months; and no Appeals were pending in that District for a period of even 3 months at the close of 1881. Of the Appeals pending in other Districts, the oldest were in the District Courts of Vizagapatam (668 days), South Tanjore (649* days), Godavari (606 days), Salem (496 days), Madura (443 days), and Ganjam (391 days), and in the Subordinate Judges' Courts of Cocanada (464 days), and Tinnevelly (370 days). The cases noted against the Madura and Tinnevelly District Courts are the only cases pending in those Courts for upwards of a year. In the Ganjam District Court and the Cocanada Subordinate Judge's Court, two Appeals only are pending over a year. In the Salem and Vizagapatam Courts, 3 such Appeals are pending, and in the South Tanjore District Court, 13, and in the Godavari District Court, as many as 82; of these last, 72 were awaiting return of

* This exceptional pendency is explained by the District Judge as being due to the circumstance that Judgment was deferred in a number of Revenue Appeals pending the receipt of the decision of certain questions of law by the Full Bench of the High Court.

APPEALS FROM DECREES.

Ages of pending cases,

notice. The South Arcot, Kurnool, South Malabar, and Tinnevelly District Courts and the Subordinate Judges' Courts of Calicut, Negapatam, and Vizagapatam show the shortest pendency, their oldest Appeals being pending only 46, 32, 82, 50, 56, 22, and 60 days respectively.

IV.—OBJECTIONS UNDER SECTION 561.

Objections under Section 561.

465. These are practically of the nature of Appeals. 291 were filed in 1881, which, together with 34 pending at the beginning of the year, made 325 for disposal. Of these, 291, exactly equal to the number filed, were disposed of, 130 being allowed and 161 disallowed, leaving 34 undisposed of at the close of the year.

V.—UNREGISTERED APPEALS.

Unregistered Appeals

466. In 1881,62 Appeals were rejected or returned before registration, and there were 193 pending registration—all in District Courts—at the close of the year. Of these latter, as many as 67 were pending in the District Court of Salem, the oldest having been 146 days pending. The next longest pendency was one of 53 days in the District Court of Godavari. There were 62 Appeals pending registration in the District Court of Madura, but the oldest of these was only 15 days pending. Excluding Salem, in which there was an exceptional delay, the average for the remaining 20 District Courts, *viz.*, 7 days per Court, is not unsatisfactory.

B.—APPEALS FROM ORDERS.

APPEALS FROM ORDERS.

467. For the first time, statistics in connexion with this important class of appellate work have been collected for 1881, and a summary is given below of the results in this respect.

I.—INSTITUTIONS.

Institutions.

468. 668 Appeals were instituted in 1881. Of these, 17 were filed in the Subordinate Judge's Court of Cocanada, and the remaining 651 in District Courts. The following is a distribution of these Appeals by Districts.

Distribution by Districts.

Arcot (North)	19	Malabar (North)	36
Arcot (South)	19	Malabar (South)	101
Bellary	15	Nellore	10
Canara (South)	57	Salem	15
Chingleput	15	Tanjore (North)	36
Coimbatore	10	Tanjore (South)	59
Cuddapah	15	Tinnevelly	27
Ganjam	10	Trichinopoly	62
Godavari	93	Vizagapatam	33
Kistna	8		
Kurnool	7	Total...	668
Madura	21	Average per District...	3

469. The figures above given are more or less proportionate to the number of Appeals from Decrees filed in the several Districts. As might be anticipated, South Malabar heads the list with 101 Appeals, and is followed by Godavari with 93: on the other hand, Kurnool stands last with 7 Appeals, and Kistna is just ahead of it with 8.

II.—DISPOSALS.

Disposals.

Distribution by classes of Courts.

470. Including 90 Appeals pending at the close of 1880, 2 received by remand, and 6 re-admitted, and excluding transfers, the number for actual disposal was 764, viz., 30 in Subordinate Judges' Courts, and 734 in District Courts. Of the former, there were 22 in the Cocanada Court, and the remaining 8 were Appeals transferred to the Vizagapatam and Bellary Courts. It would appear, therefore, that this class of appellate work is almost exclusively confined to District Courts. In all, 705 Appeals were disposed of, 29 in Subordinate Judges' Courts, and 676 in District Courts.

Mode of disposal

471. The following figures give the result of these Appeals.

Disposed of.			Number.	Percentage.	
Without trial			145	100·00	20·57
Without contest...	Decree of Lower Court	Confirmed	110	76·39	
		Modified	1	·69	
		Reversed	33	22·92	
		Total...	144	100·00	20·42
After contest ...	Decree of Lower Court	Confirmed	226	54·33	
		Modified...	36	8·65	
		Reversed	154	37·02	
	By arbitration		...	...	
		Total...	416	100·00	59·01
		Grand Total...	705		100·00

III.—ARREARS.

Arrears.

Causes of pendency.

472. Including 1 Appeal pending in the Subordinate Judge's Court of Coconada, 59 Appeals were pending at the close of 1881, being only 8 per cent of the total for disposal: of these, 29 awaited return of notice to the opposite party,

APPEALS FROM ORDERS

and in 1, a finding on issues or an explanation was called for. Of the remaining 29 Appeals, 1 awaited judgment and 28 were ready for final disposal.

Courts with the oldest pending appeals.

473. The oldest of the pending Appeals in this class were in the District Courts of North Malabar and Cuddapah, where the pendency was 171 and 139 days respectively. In the former, judgment was reserved, and in the latter, notice had not been returned served.

IV.—OBJECTIONS UNDER SECTION 561.

Objections under Section 561.

474. No objection filed prior to 1881 was pending at the end of 1880, and only 2 were received during 1881. Of these, 1 was allowed and the other disallowed, leaving nothing pending.

V.—UNREGISTERED APPEALS.

Unregistered Appeals.

475. 4 Appeals were rejected or returned before registration in 1881, and 2 awaited registration at the close of that year, of which the older was only 9 days pending.

GENERAL.

476. In the preceding pages, complete statistical details have been given of the work of the Courts of all classes in the aggregate, and for each class of Courts separately. In the pages immediately following, an attempt is made to deduce some general observations from the detailed information already dealt with.

477. The relative contribution of the several Districts of the Presidency to the aggregate litigation (omitting suits before Village Munsifs' Courts and Revenue Courts) of the year is indicated in the following statement :— Contribution of the several Districts to aggregate litigation.

DISTRICT.	Small Causes.	Ordinary Suits.	Appeals to District and Subordinate Judges' Courts	Appeals to the High Court.	Total.	Percentage to total.
Malabar (South) ...	8993	7775	1032	117	17917	10·76
„ (North) ...	10732	3555	606	59	14952	8·98
Tanjore (South) ...	7636	3768	423	150	11977	7·20
Godavari	6112	4947	434	54	11547	6·94
„ Agency ...	...	152	5	...	157	0·09
Madura	7263	3932	357	79	11631	6·99
Kistna	4575	4267	248	32	9122	5·48
Tinnevelly	5052	3623	297	70	9042	5·43
Vizagapatam	3795	3533	315	30	7673	4·61
„ Agency ...	...	273	6	1	280	0·17
Tanjore (North) ...	5464	2068	285	32	7849	4·72
Arcot (North) ...	3254	3785	196	20	7255	4·36
„ (South) ...	3972	2880	252	59	7163	4·30
Salem...	2514	3352	235	2	6103	3·67
Trichinopoly	2880	3363	226	47	6016	3·61
Canara (South) ...	2644	2880	502	38	6064	3·64
Coimbatore	1631	3402	199	25	5257	3·16
Nilgiris	272	177	8	...	457	0·27
Ganjam	2379	2408	213	22	5022	3·02
„ Agency ...	....	95	7	...	102	0·06
Chingleput	1881	2602	303	52	4838	2·91
Nellore	1782	2673	166	9	4630	2·78
Cuddapah	2051	2388	149	20	4608	2·77
Bellary	2027	2172	179	19	4397	2·64
Kurnool	1111	1223	54	6	2394	1·44
Total... ...	87520	71293	6697	943	166453	100·00
Average per District...	4167	3395	319	45	7926	...
Madras	24446	520	...	29	24995	...

478. It will be seen that the wealthy District of South Malabar contributed as much as 10·76 per cent of the entire litigation of the Provinces; next in order of importance come North Malabar, South Tanjore, Godavari, and Madura with the proportions of 8·98, 7·20, 7·03 and 6·99 per cent respectively of the entire litigation. Kurnool contributes the smallest proportion of any District in the Presidency, viz., 1·44 per cent, while Bellary, Cuddapah, Nellore and Chingleput are credited with a contribution of only 2·64, 2·77, 2·78 and 2·91 per cent respectively.

479. It may perhaps be noticed that the Districts, which stand first in the list of litigation, viz., North and South, Malabar, are Districts, in which Village Munsifs' Courts exercise jurisdiction to a comparatively small extent. This fact may to some extent account for the pre-eminence of Malabar in the number of suits before the regular tribunals.

GENERAL.

Contribution of the several Districts to total litigation before Village Munsifs.

480. The following statement shows, in the order of numerical importance, the extent to which the Village Munsifs' Courts were used during the year in the several Districts.

Tanjore (South) ...	6,917		Arcot (North)		1,755
Godavari	5,173		Malabar (North)	}	1,479
Tinnevelly... ...	4,085		Malabar (South)	}	
Madura	3,886		Chingleput ...		976
Kistna	3,467		Nellore ...		628
Tanjore (North) ...	3,396		Canara (South)...		377
Coimbatore ...	2,239		Ganjam ...		344
Nilgiris	367		Cuddapah ...		330
Vizagapatam ...	2 398		Kurnool ...		248
Arcot (South) ...	2,289		Bellary ...		146
Salem	2,255				
Trichinopoly ...	1,886		Total ...		44,641
			Average upon 21 Districts ...		2,126

481. As observed elsewhere (para 131), however, the returns furnished for this class of Courts are unfortunately not as yet altogether reliable.

Distribution by Districts of population, litigation, receipts and charges.

Unsettled state of some of the questions involved in the calculation.

482. In the following table, an attempt is made for the first time to ascertain with some accuracy the proportion between the charges for, and the revenues of, the Judicial Administration. The information collected, though more complete than any hitherto afforded, is not, in the year dealt with in this review, to be considered as thoroughly reliable and definite. Questions are still pending as to whether certain items of receipts and expenditure, or certain proportions of such receipts and expenditure, are, or are not, proper judicial receipts and expenditure. Assuming that these questions are decided in a manner the least favourable to the Judicial Department, some modification of the figures and observations immediately following would be required. In the table as compiled, the charges include the salaries of Judges and of the establishments of the Courts (including Process- servers), contingent charges and refunds of stamp duty. No computation has been made of such items of expenditure as the rents and repairs of buildings (the property of Government), stationery, Police guards, &c.

483. A question may also be raised as to whether any charge should be made against Judicial Revenues on account of the pensions of Judges and Judicial Subordinates. This is a matter which, it is believed, has not as yet received more than partial consideration in any quarter, and it is obvious that it involves questions of wide scope and great complexity. It may, for instance, be urged that Government Service in the higher grades carries with it, as a necessary incident, eligibility to pension, and that, this being so, the charge thus arising should be a charge against the general revenues, and not against those of the particular department in which the service is performed. It may also be pointed out that only a certain proportion of public servants in any department serve long enough, or survive long enough, to receive pension. Before, therefore, any satisfactory conclusion could be arrived at as to the amount of contribution required, it would be necessary to ascertain what is the proportion of persons entering Government Service, who actually attain to pension. Another detail may perhaps be noticed. The Judicial Officers, who are members of the Covenanted Civil Service, pay for $\frac{6}{7}$ths of their pension by deductions from their salaries, while the great mass of the Judicial Officers and Subordinates make no contribution towards this charge. The question being in the state described, it has in the present Report been thought inadvisable, if not altogether impossible, to attempt to fix on any sum or proportion as being a proper deduction for the cost of pensions from the revenues of the Judicial Department. That this course is in accordance with the practice hitherto followed in other Administrations, appears from the fact, that, in the Bengal High Court Report of 1880, no deduction has been made on the score of pensions from the large surplus of Rupees, 30,07,025 therein noticed. Finally, it may perhaps be observed that in no reasonable view of the case

could the charges for pension (estimating them as high as even 10 per cent of the amount of salaries) absorb more than from ¼ to ⅓ of the surplus referred to below.

GENERAL.

Distribution by District of population, litigation, receipts and charges.

District.	Population. *	No. of Suits.	Judicial receipts. †	Judicial charges. †	Ratio of population to Suits.
			Rs.	Rs.	
Arcot (North)	18,17,814	6,881	1,01,146	80,392	264
Do. (South)	18,14,738	6,832	99,832	90,792	266
Bellary	13,36,696	4,199	87,632	82,047	318
Canara (South)	9,59,514	5,494	1,25,516	1,07,823	175
Chingleput	9,81,381	3,989	68,021	52,799	246
Coimbatore	16,57,690	5,005	93,417	75,880	331
Cuddapah	11,21,038	4,438	78,284	78,422	253
Ganjam	15,03,301	4,662	71,088	60,970	322
Godavari	17,80,613	10,794	2,20,993	1,27,042	165
Kistna	15,48,480	8,718	1,24,859	79,212	179
Kurnool	7,09,315	2,334	37,812	51,998	304
Madura	21,68,680	10,909	2,38,950	1,05,673	199
Malabar (North)...	23,65,035	14,287	1,67,251	95,858	76
Do. (South)		16,768	2,98,102	1,48,951	
Nellore	12,20,236	4,411	87,656	65,692	277
Salem	15,99,595	5,487	97,847	73,516	292
Tanjore (North)...	21,30,383	7,515	1,66,722	1,01,108	116
Do. (South)		10,803	1,96,709	1,41,374	
Tinnevelly	16,99,747	8,219	1,53,592	1,10,910	207
Trichinopoly	12,15,033	4,971	81,105	59,193	244
Vizagapatam	17,90,468	6,951	1,23,437	79,808	258
... ..					
Total	2,94,19,747	1,53,667	27,19,971	18,69,460	192
Average per District	14,00,940	7,317	1,29,522	89,021	192
...					
Madras	4,05,848	24,966	3,32,499	4,69,950	16
Total for the Presidency	29,825,595	1,78,633	30,52,470	23,39,410	

Surplus and deficit of certain Districts.

484. From the above statement, the following facts may be deduced :—In only one District in the Provinces, viz., Kurnool, have the judicial charges clearly exceeded the judicial receipts, the latter being represented by a sum of Rupees 37,812, and the former by a sum of Rupees 51,998. In one other District, viz., Cuddapah, the receipts and charges are almost equal, namely, Rupees 78,284, 'receipts' against Rupees 78,422 'charges.' In all the remaining Districts, there is a distinct surplus, of a greater or less amount. For the District of Madura, the surplus is as much as Rupees 1,33,277. For the Districts of North and South Malabar, the surplus rises as high as 2,20,544, Rupees 1,50,000 and odd being contributed by South Malabar, and Rupees 70,000 and odd by North Malabar. In view of the large contribution to Judicial revenues by the Malabar District, the District Judge of South Malabar, in his annual report, makes the following observation, in the abstract justice of which the High Court concurs :—

"At least a percentage of this enormous surplus ought to find its way back to the people of Malabar, either in the shape of larger judicial establishments, new Court-houses, &c, &c."

Ratio of suits to population.

485. Dealing next with the ratio of suits to population, we find that, in the District of Malabar, one person out of every 76 was engaged in litigation. As might be expected, the next most litigious District is the prosperous and well-irrigated District of Tanjore, with a ratio of 1 suit to every 116 persons. Next in order, but at a considerable interval, come Godavari (1 to 164), South Canara (1 to 174), Kistna (1 to 178), and Madura (1 to 193). The proportion of suits to population is lowest in the following Districts, viz., Coimbatore (1 to 331), Ganjam (1 to 322), Bellary (1 to 318), Kurnool (1 to 304). It may be noted that these last four Districts are (excepting Ganjam) inland Districts, and that in each of them there is a comparatively small proportion of irrigated lands.

* The figures are those of the Census of 1881.

† Those figures do not include the receipts and charges in suits before Collectors.

GENERAL.

Average receipts and charges per suit. Net result.

486. Dealing with the suits actually brought before the Courts during the year, the average 'receipts' per suit are at the rate of Rupees 17·09 as against Rupees 13·09 'expenditure'.

487. The net result for the entire Presidency is apparently a clear surplus of Rupees 7,13,060, the receipts aggregating 30,52,470, and the expenditure, Rupees 23,39,410.

488. At the Presidency Town, the figures show a deficit; but this is more apparent than real, as the cost of at least the Appellate Side of the High Court may fairly be charged against the Provinces. The Presidency Small Cause Court, in the year under review, yielded a surplus of at least Rupees 33,000.

Distribution by Districts of receipts and charges on account of Process Service.

489. The receipts and charges on account of Process Service are separately detailed below according to Districts.

District.	Receipts.	Charges.	Surplus.	Deficit.
	Rs.	Rs.	Rs.	Rs.
Arcot (North)	30,038	21,837	8,201	...
Arcot (South)	29,432	30,989	...	1,557
Bellary	24,440	24,474	5,221	34
Canara (South)	31,781	26,560	4,387	...
Chingleput	16,652	12,265	,176	...
Coimbatore	22,838	17,662	338	...
Nilgiris	1,922	1,584	...	...
Cuddapah	23,471	25,665	...	2,194
Ganjam	16,265	15,712	553	...
Godaveri	63,449	55,226	8,223	...
Kistna	39,317	29,456	9,861	...
Kurnool	12,466	15,599	...	3,133
Madura	65,775	39,212	26,563	...
Malabar (North)	48,300	37,424	10,876	...
Malabar (South)	70,209	52,385	17,824	...
Nellore	23,591	23,521	70	...
Salem	25,721	23,211	2,510	...
Tanjore (North)	45,390	30,881	14,509	...
Tanjore (South)	54,920	44,577	10,343	...
Tinnevelly	43,404	38,714	4,690	...
Trichinopoly	21,934	17,474	4,460	...
Vizagapatam	30,244	28,429	1,815	...
Total	7,41,559	6,12,857	1,35,620	6,918
Or a net surplus of Rupees	...	...	1,28,702	...
Average upon 21 Districts	35,312	29,183	6,458	...

490. It will be observed that in four Districts the receipts fall below the charges. The deficit in the Kurnool District is very considerable, being in the proportion of about ⅓ of the total receipts. In Cuddapah, the deficit is also considerable. In South Arcot, the deficit is not great, and in Bellary it is only nominal. The Judges of these Districts will be called on to revise this branch of their establishments.

491. The following table indicates the average institutions and disposals (excluding, of course, exceptional Courts) in the several classes of Courts.

GENERAL.

Average institutions and disposals distributed according to classes of Courts.

Class of Courts.	Ordinary Suits.		Small Causes.	
	Average institutions.	Average disposals.	Average institutions.	Average disposals.
Presidency Court of Small Causes	...	...	24,472	23,742
Village Munsifs' Courts	19	19	...	...
Revenue Courts...	55	55	...	...
Cantonment Courts of Small Causes	...	...	194	194
District Munsifs' Courts	590	609	685	702
Subordinate Judges' Courts	47	69	820	826
District Courts	15	16	...	...
High Court (Original Side)	494	533	...	...

The small number of Original Suits instituted in the highest class of Courts subordinate to the High Court, *viz.*, the District Courts, may, at first sight, appear striking. But against the paucity of the number has to be set the great importance of the Suits and the value involved, as indicated in the next succeeding table. The policy of recent legislation has been to transfer from District Courts all original litigation, and to render them Courts of Appeal and Supervision. The Appellate work disposed of by the District Judges exceeds the Appellate work disposed of by the Subordinate Judges by about 84 per cent. It should also be remembered that, while the Subordinate Judges and District Munsifs are purely civil tribunals and have no Criminal work on their files, a large portion of the time of the District Judges is occupied in Criminal work, *viz.*, in Original Trials at the monthly Sessions, and at other times, in hearing Criminal Appeals.

492. The average value of the suits instituted in the several classes of Courts, is indicated in the following table. In computing this average, the number of Suits shown as not estimable in money is, of course, left out of account.

Average value of suits instituted, according to classes of Courts.

Class of Courts,	Average value of Ordinary Suits.	Average value of Small Causes.
High Court (Original Side)	5,011	...
Presidency Court of Small Causes	...	36
Village Munsifs' Courts	...	...
Revenue Courts...	57	...
Cantonment Courts of Small Causes	...	33
District Munsifs' Courts	171	22
Subordinate Judges' Courts	15,469	144
District Courts...	20,424	...

493. The high valuation of the Ordinary Suits in the Subordinate Judges' and District Courts is worthy of remark.

494. The proportion in which Suits are contested in the several classes of Courts is a matter of some interest and is dealt with in the following statement, those disposed of without trial are excluded from total disposals.

Proportion of contested cases to total disposals distributed according to classes of Courts.

Class of Courts.	Decreed after contest,	
	Ordinary.	Small Causes.
Presidency Court of Small Causes	...	16·74
Village Munsifs' Courts	18·15	...
Revenue Courts	71·33	...
Cantonment Courts of Small Causes	...	29·76
District Munsifs' Courts	42·09	26·71
Subordinate Judges' Courts	63·47	30·79
District Courts	57·13	...
High Court (Original Side)	63·22	...

GENERAL.

Proportion of contested cases to total disposals distributed according to classes of Courts.

495. The large proportion of contested Suits dealt with by the Revenue Courts is worthy of notice. The reason is not far to seek. In the Madras Presidency, the Revenue Courts are not as in other Provinces of India simply rent-collecting Courts, but Courts authorized to deal with substantial disputes arising between landholders and tenants. It will be seen also that the Subordinate Judges' Courts (and not the District Courts) had the highest proportion of contested suits, the ordinary Suits disposed of in these two classes of Courts are, however, so few in number (the average being 69 and 16 respectively in the year under review) that a very slight variation in the figures of one or other class of Courts, would disturb the proportion arrived at, and it may not unfairly be assumed that the proportions of contested Suits in each of these two superior tribunals are about equal and average nearly 60 per cent of their disposals. The small proportion of contested Suits in the Presidency Small Cause Court, viz., 16·74 per cent, is perhaps worthy of remark. In the Provinces the proportion of Small Cause Suits contested is not far short of being twice as high as at the Presidency Town.

496. The proportion of contested cases in which judgment was given for plaintiff or defendant respectively is indicated in the following statement: cases disposed of by arbitration are excluded.

Proportions in which plaintiffs succeeded or failed, distributed according to classes of Courts.

Class of Courts.	Ordinary Suits.			Small Causes.		
	For plaintiff.	For defendant.	Percentage of Col. 2 to total.	For plaintiff	For defendant.	Percentage of Col. 5 to total.
1	2	3	4	5	6	7
High Court (Original Side)	200	56	78·13	...	...	...
Presidency Court of Small Causes ...	...	...	...	2,873	649	81·57
Village Munsifs' Courts...	5,359	1,052	83·59	...	...	...
Revenue Courts	1,081	787	57·56	...	...	...
Cantonment Courts of Small Causes ...	...	...	...	96	11	89·72
District Munsifs' Courts	18,8 1	6,456	74.46	12,618	4,861	72·23
Subordinate Judges' Courts	339	164	67·40	2,284	764	74·93
District Courts	72	92	43·90	...	...	...
Total ...	25,870	8,607	75·04	17,901	6,285	74·01

The above statement shows that, in about 75 per cent of the contested cases, the plaintiff's Suit was successful : in other words, in 3 out of every 4 Suits contested, the party who sought relief from the Courts was held to have a well-founded claim. In District Courts, the proportion of successful plaintiffs has been, in the year under review, unusually low. It has however been pointed out elsewhere (para 501) that the number of Suits dealt with by District Courts is so small that any slight variation in a particular method of disposal is sufficient to effect a considerable alteration in the statistical proportions.

GENERAL.

EXECUTIONS.

Arrests, imprisonments and amounts realized, distributed according to classes of Courts.

497. In the department of execution, the amounts realized on behalf of suitors in the several classes of Courts is indicated in the following statement: the number of cases in which the judgment-debtor was arrested or imprisoned is also shown.

Class of Courts.	Number of cases in which judgment-debtor was		Percentage of Col. 3 to Col. 2.	Amount realized after issue of process.	Amount voluntarily paid into Court.	Total amount realized.
	Arrested.	Imprisoned.				
1	2	3	4	5	6	7
				Rs.	Rs.	Rs.
Presidency Court of Small Causes. ...	1,709	446	26·10	27,331	1,32,703	1,60,087
Revenue Courts	...	...	...	4,953	374	5,329
Cantonment Courts of Small Causes ...	3	3	100·00	1,551	1,218	2,764
District Munsifs' Courts	8,111	706	8·70	21,48,4 9	3,48,016	24,96,435
Subordinate Judges' Courts	865	187	21·62	7,23,820	87,407	8,11,227
District Courts	62	18	29·03	4,91,916	1,93,853	6,85,769
Total...	3,450	1,363	39·51	33,98,040	7,63,571	41,61,611

498. It is satisfactory to find that in the District Munsifs' Courts, the tribunals in which the bulk of the poorer litigants sue, the imprisonment of debtors has occurred in the proportion of 8·7 per cent of the persons actually arrested. The amount of money debts collected through the agency of the Courts aggregated Rs. 41,61,611, or about £s. 4,00,000 sterling.

Adjustments out of Court.

499. In 12,799 Cases, adjustments of decrees were effected out of Court, and in 46,697, the execution proceedings are stated to have proved wholly infructuous.

Extent in which immoveable property was dealt with.

500. The extent to which landed estates were dealt with in execution by the Courts is indicated numerically in the following statement; but information is not available as to the money valuation of the estates which were divided or otherwise dealt with.

Class of Courts.	Number of cases in which	
	possession was given of immoveable property or partition was effected.	immoveable property was sold, released, or otherwise dealt with.
Presidency Court of Small Causes	33	...
Revenue Courts	43	...
District Munsifs' Courts	6,452	12,246
Subordinate Judges' Courts	139	364
District Courts...	51	108
	6,718	12,718

GENERAL.

Insolvency operations of the several classes of Courts.

501. That the operations of the Insolvency provisions introduced into the procedure of the Civil Courts by Act X of 1877 are not as yet extensive, is shown in the following abstract statement for the several classes of Courts.

Class of Courts.	Applications for declarations of insolvency.		Number of Estates placed in charge of Receivers during the year.	Amount realized during the year.	Amount disbursed.
	Received.	Granted.			
				Rs.	Rs.
Presidency Court of Small Causes.	83	26	4	266	237
District Munsifs' Courts	392	85	2	305	1277
Subordinate Judges' Courts ...	120	29	8	747	337
District Courts	18	...	...	...	...

The amount disbursed in the District Munsifs' Courts obviously include sums realized in previous years.

MISCELLANEOUS.

Pay of Puisne Judges of the High Courts.

502. In a Resolution of the Government of India, under date the 21st May 1881, it was stated that the Secretary of State for India in Council had ruled that an officer appointed after that date to be a Puisne Judge of a High Court, including the High Court at Calcutta, should receive pay as follows:—

(*a*). A Judge, who is a member of the Covenanted Civil Service, — exempted from the contribution of four per centum on his salary on account of annuity.

(*b*). If he is not a Native of India, or if, being a Native of India, he is a member of the Covenanted Civil Service appointed by the Secretary of State after competitive examination in England, to draw — Rs. 3,600 a-month.

(*c*). If he is a Native of India, but not a member of the Covenanted Civil Service appointed by the Secretary of State after competitive examination in England, to draw — Rs. 2,400=two-thirds of the pay fixed for a Judge who is not a Native of India.

The Government of India, in September following, intimated that, on reconsideration, the Governor General in Council had directed the withdrawal of the order regarding the salary of a Native Judge of a High Court officiating on the 21st May 1881. The Honourable Mr. Justice Muttusami Aiyar has consequently continued to draw salary at the rate of Rupees 3,750 a-month.

Practitioners of the High Court.

503. In the course of the year, 2 Advocates, 5 Vakils and 6 Attorneys were enrolled in the High Court.

Temporary Subordinate Judge's Court, at Vizagapatam.

504. In February 1881, Mr. Lister applied for the services of a Subordinate Judge to aid the District Court in clearing off the heavy arrears which had accumulated on the file of that Court. The High Court considered the assistance asked for to be urgently necessary, and, in requesting Government to appoint a Subordinate Judge to Vizagapatam, they suggested that, as the Civil Original and Appellate work in Bellary was light, the Subordinate Judge of that District could better be spared than any other. On a representation, however, of the District Judge (Mr. J. D. Goldingham) that the proposed transfer of the Subordinate Judge from Bellary would result in great inconvenience to the public, the High Court asked the Government to sanction the appointment of an extra Subordinate Court for one year to Vizagapatam at a cost of Rupees 400 per mensem or, including the salary of a Subordinate Judge, of Rupees 10,800 per annum. The Madras Government applied to the Government of India, under Section 4, Act III of 1873, to sanction the temporary additional Judgeship, and the required sanction was received in the letter of the latter Government (Home Department), dated 16th August 1881. Mr. A. L. Venkata Ramana Pantulu, Subordinate Judge of Madura (West) was appointed to be Temporary Subordinate Judge of the Court at the station of Vizagapatam from 1st November and was invested with Small Cause Court jurisdiction within the limits of the local jurisdictions of the District Munsifs of Vizagapatam and Bimlipatam.

A fourth District Munsif's Court required for the Trichinopoly District.

505. In September 1881, the District Judge of Trichinopoly (Mr. F. Brandt) represented to the High Court that the appointment of an additional District Munsif to the Trichinopoly District was very necessary. The High Court, in applying to Government for the required sanction, explained that the necessity for an increase arose, not only from the very heavy files of the Munsifs' Courts, but from the peculiar circumstances in respect of the natural features and configuration of the Trichinopoly District.

Two Additional District Munsifs' Courts required for the District of North Malabar.

506. At page 40, para. 133, of their report for 1880, the High Court referred to the desirability of relieving some of the more severely taxed District Munsifs' Courts. The District Munsifs of North Malabar having for some time been notably overweighted with work, the Court placed itself in communication with the District Judge (Mr. J. W. Reid) as to the relief that might be required by the Munsifs of his District. Mr. Reid, in letter dated 5th October, requested that relief to the extent of two new District Munsifs' Courts should be granted. The High Court, being of opinion that not less than two additional Munsifs' Courts would be required to keep pace with the heavy and increasing work of the North Malabar District, requested (letter dated 29th November 1881 No. 2,503) His Excellency the Governor to sanction the same with effect from the commencement of the next official year 1882-83.

District Munsifs' Courts of the District of South Canara.

507. In July 1881, Mr. J. W. Best, the District Judge of South Canara, suggested a re-arrangement of the local jurisdictions of the District Munsifs in the District. He proposed (1) to reduce the number of District Munsifs from 8 to 7, abolishing the Mulki Court, where the file was low, and to make the local jurisdictions of the Munsifs conterminous with the Revenue Taluqs, and (2) the employment of the Barkur and Buntwal Munsifs as additional Munsifs, one in the northern division and the other in the southern division, stationing them at Karkal and Bantwal respectively for one half of the year and at Udipi and Mangalore for the other half of the year. It was also proposed that these Munsifs should be available for assisting the other Munsifs in their respective divisions. The High Court having stated that they were not prepared to accept the proposal to employ two Munsifs, for six months at one station and for six months at another, called upon the District Judge to suggest such a re-arrangement of jurisdiction as would allow the services of one of the Munsifs to be dispensed with, regard being had to the state of the roads and rivers in Canara. The District Judge having stated that he could not suggest the abolition of the Mulki Munsif's Court without assistance being afforded to the Munsifs of Mangalore and Mulki, the High Court, in its letter of the 17th November, intimated that it would not, as at present advised, direct any reduction in the existing number of Munsiffees or any re-arrangement of the existing jurisdictions of District Munsifs, adding that it would be open to the Court to re-consider this decision at some future time when arrangements affecting the distribution of Munsifs' Courts throughout the whole Presidency might come under review.

Changes in the jurisdictions of certain Munsifs in the District of Madura.

508. In July 1881, Mr. Hutchins, the District Judge of Madura, with a view to re-adjust the several local jurisdictions of the Munsifs, submitted the following proposals :—

(1). The re-transfer of the Nattam Division of the Mélur Taluq from the Dindigul to the Madura Munsif.

(2). The transfer of the Tirupuvanam Taluq of the Sivaganga Zemindari from the Sivaganga to the Tirumangalam Munsif.

(3). The transfer of the Palayampatti Sub-Division in the Pallimadam Taluq of the Ramnad Zemindari from the Paramagudi to the Tirumangalam Munsif.

(4). The transfer of the eastern or Tirumugur Firka of the Madura Taluq, and of all the villages of the same Taluq south of the river, which still remain under the Madura Munsif, except the Town of Madura, to the Tirumangalam Munsif.

The High Court, on obtaining lists of the villages to be transferred, issued the necessary Notification under section 11, Act III of 1873, and directed that the arrangements indicated should take effect from the 14th November 1881.

509. Early in the year, the residents and merchants of Conjeveram addressed several petitions to the High Court praying for the removal of the District Munsif's Court from Trivellore to Conjeveram. These petitions were referred to the District Judge and the District Munsif for report. The District Munsif (Mr. Sundararamaiya), while thinking that the Court could not on public grounds be transferred as desired, stated that the people of Conjeveram had real grievances which could be remedied by the District Munsif being authorized to hold his Court at Conjeveram for the disposal of Small Cause Suits once a month for a day or two according to the amount of the work. Mr. J. Hope, the District Judge of Chingleput, was of the same opinion and recommended the adoption of the District Munsif's proposal. On enquiry by the High Court as to what arrangements he would propose for the accommodation of the Munsif's Court, the District Judge reported that he had obtained the consent of the President and the Commissioners of the Municipality of Conjeveram to the Munsif holding his Court within the Municipal Office building. The High Court thereupon in its Proceedings of 6th October 1881 authorized the District Munsif of Trivellore to hold Court at Conjeveram for the disposal of Small Causes during two days in each month as an experimental measure for one year. This arrangement, having been communicated to Government, was recorded by them in G. O., 13th October 1881, No. 2,119.

Occasional sittings of the District Munsif's Court of Trivellore in the District of Chingleput, at Conjeveram.

510. In G. O. dated 21st July 1880, No. 1,762, the Governor in Council, adverting to the very considerable variations in the amount of work performed by Judicial Officers of all grades, desired to be furnished with the opinion of the High Court as to the expediency of merging two Districts into one where the duties appeared to be in sufficient to take up the time of a separate Judge or of establishing an Additional Sessions Judge or an Assistant Sessions Judge in some of the heavier Districts in view to more leisure being afforded to the District Judge in his Civil work. In G. O., 30th November 1880, No. 2,780, the Government referred for the opinion of the High Court a proposal emanating from the Sessions Judge of Madura to invest the Subordinate Judges of that District with the powers of Assistant Sessions Judges. The High Court assumed that, besides the more immediate question of the Sessions Court powers proposed to be conferred on the Madura Subordinate Judges, the wider question of a possible re-arrangement of judicial Districts or Divisions and a consequent reduction in the number of District Judges was referred for its consideration and, dealing with the questions in detail, submitted, in their letter of the 20th December 1881, No. 2,679, that it was not legally competent for Government to invest Subordinate Judges with the powers of Additional or Assistant Sessions Judges, and that, on grounds of policy and expediency, the reduction of the number of District and Sessions Judges was inadvisable.

Proposed re-distribution of Districts and investiture of Subordinate Judges with Assistant Sessions Judge's powers.

511. In their letter to Government, dated 29th November 1881, No. 2,502, the High Court, in view of certain contemplated administrative reforms which would result in placing the charges for the Judicial service under the control of the Local Government, conceived it to be its duty to indicate certain causes which in the present or in the immediate future may necessitate increased expenditure in the Judicial Service, and submitted the following proposals :—

Proposed increase of the salaries of Subordinate Judges, and District Munsifs, &c.

(1). That the class of Subordinate Judges should be divided into three grades, the first to consist of four members receiving Rs. 800 per mensem, the second of four receiving Rs. 650 per mensem, and the third of six, receiving Rs. 500 per mensem.

(2). That the salary of the 1st grade of Munsifs should be raised to Rs. 400 and its numbers to 30, that the salary of the 2nd grade should be increased to Rs. 300 and its numbers to 50, leaving in the 3rd grade only 31 Munsifs on a salary of Rs. 200 : to this last would of course be added on first appointment any increase the Government may hereafter sanction in the Judicial Service.

512, It was stated that another cause of additional expense for which provision must be made was an increase by one additional Court in the number of Munsifs' Courts in each of the Districts of North Arcot, Godavari, Kistna, Madura, Nellore, Trichinopoly and Vizagapatam and by two additional Courts in each of the Districts of North and South Malabar, in all eleven additional Munsifs' Courts. It was

Proposed increase of the salaries of Subordinate Judges and District Munsifs, &c.

pointed out also that an increase in the number of Munsifs would necessitate in some places the construction of buildings for their accommodation. Opportunity was also taken to intimate that, during the last 3 years, there had been a large increase of business in the High Court, and that if this increase was maintained, it would be necessary that an addition should be made both to the number of Judges and the staff of the Establishment. On the whole, the Court considered that an addition to the expenditure on Law and Justice to the amount of not less than 2 lacs a-year as shown below would be necessary in the immediate future :—

Augmentation of the salaries of Sub-Judges	...	...	18,000
Augmentation of the salaries of Munsifs ...	...	...	66,600
Creation of Additional Courts and Establishments	...	...	50,000
Additional buildings from say 30,000 to ...	...	...	65,400
			2,00,000

The action taken by Government on this matter does not come within the scope of the year under review.

Proposed system of collecting copying fees in the Courts by means of special impressed stamps.

513. In July 1880, the Government requested the views of the High Court on the suggestion of the Government of India that fees charged for copying papers in the Courts should be received by means of special inpressed stamps. The High Court obtained the opinions of some of the District Judges on the proposed measure and intimated to Government that the adoption of the scheme was desirable. The Government, in their Order of the 20th May 1881, No. 803, Revenue Department, directed that the necessary steps should be taken for the early introduction of the scheme and requested the High Court to prescribe the rates of remuneration for copying and examining, fixing them on such a scale as to leave a margin out of the fees collected by impressed stamps sufficient to cover the cost of paper and general supervision. In December 1881, Government was informed of the probable number of stamped papers which would be required for one year's use in the Judicial Courts on the introdution of the new system.

Legislative provisions suggested as to costs of execution in Ceylon of Commissions issued by Courts in the Madras Presidency.

514. In a letter dated the 27th August 1881, the High Court, adverting to certain correspondence which had taken place between the District Judge of Tinnevelly and the Supreme Court of Ceylon, suggested that the privileges now accorded by the Courts of Ceylon to Courts of this country as a matter of courtesy should be prescribed by legislation ; in other words, that an enactment be passed corresponding in substance with the law of British India so as to secure reciprocity in the Courts of the respective countries.

The Government of Madras transmitted this communication to the Ceylon Government, who, in the letter of the Colonial Secretary dated 10th October 1881, intimated that the necessary provision for the execution of foreign commissions in their Courts would be made in the new Civil Procedure Bill which would be proposed at the next Session of the Legislative Council, and that in the meantime the Judges in Ceylon would, as heretofore, execute commissions issued from Indian Courts free of charge, saving stamp duties and the expense of witnesses.

Stamp frauds in the District Munsif's Court of Paramagudi in the District of Madura.

515. In October 1881, the District Judge of Madura submitted to the High Court a report from Mr. P. Kistnasami Chetti, District Munsif of Paramagudi, regarding certain stamp frauds committed by the Gumastahs of that Court during a period extending from October 1877 to July 1880. The aggregate value of the stamps fraudulently dealt with was stated to be Rs. 1,500 or thereabouts. The fraud was found to have been carried out by substituting used stamps for new ones which had been removed, or by affixing old stamps to blank Court papers requiring to be stamped. The greater portion of the damaged stamps were discovered on Execution and Process Service applications. A Criminal prosecution failed, but four employés of that Court (Mahomed Ghouse, Naranaiyar, Kistnaiyar and Karpura Sundram Pillai) were dismissed by the District Judge, and have been declared by Government, in November 1881, ineligible for re-employment in the public service.

Special Test Examinations.

516. In January 1881, the HighCourt requested the attention of His Excellency the Governor in Council to the inconvenience arising from the date at which the annual examinations for the Special Tests took place. It was pointed out that these examinations, prior to 1875, were held during the vacation of the Courts; but, when the vacation months were altered from August and September to May and June, no corresponding alteration was made in the dates fixed for the examinations, the result being that the Courts were seriously inconvenienced by the absence for a week or more of a large portion of their establishments at the examinations. The Government were asked to hold the examinations during the annual adjournment of the Courts. In G. O., 3rd March 1881, No. 63, it was stated that no change could be made for the current year, and the proposal was referred to the Board of Revenue for report. The Board having intimated that they saw no objection to the annual Special Test Examinations being held during the first or second week in May, the Government ordered that, after 1881, the Special Tests be held in the month of May.

Records.

517. The District Judges, with very few exceptions, state that the records are kept in order and that the destruction of useless records is being steadily proceeded with.

A District Munsif's services placed at the disposal of a Native State.

518. In December 1881, the Resident of Travancore and Cochin, on behalf of the Travancore State, requested the Madras Government to sanction the employment of T. Kunhi Raman Nayar, District Munsif, 1st Class, of Calicut, as a Judge of the Travancore Sudr Court, for a period of one year, it being proposed that the District Munsif should be employed in the first instance on probation and should be confirmed if, after the expiry of the year, the Travancore Government desired to retain his services; the Munsif to whom the proposal was made through the District Judge of South Malabar (Mr. Wigram) having expressed his willingness to accept the appointment on the terms named, the Government placed his services at the disposal of the Travancore State accordingly.

A District Munsif's services placed at the disposal of a Zemindar.

519. In July 1881, the Zemindar of Vallúr in the Kistna District applied to Government, through the Collector of the District, to place the services of M. Ramaiya Pantulu, District Munsif of Bezwada, at his disposal for a period of one year with a view to the better management of his estates and the establishment of peace and harmony between himself and his tenants. The Zemindar offered to pay to the Munsif a salary of Rs. 350 a-month *plus* the contributions required by the Civil Pension Code. Government, in their Order of 5th December 1881, No. 2,492, with the consent of the High Court, authorized the Collector of Kistna to avail himself of the services of the District Munsif for employment under the Vallúr Zemindar for a period of one year from the date of the District Munsif's being relieved of his present appointment.

Commission under Act XXXVII of 1850 for the trial of a District Munsif.

520. In February 1881, the District Judge of Trichinopoly (Mr. F. Brandt) reported the suspension by him of A. Chendriah, District Munsif of Kulittalai, on the score of alleged grave misconduct, and requested the issue of a Commission under Act XXXVII of 1850. The High Court thereupon appointed Mr. G. A. Parker, C. S., a Commissioner to enquire into the charges, *i. e.*, receiving a gratification other than legal remuneration, &c., preferred against the Munsif. On the 13th April, Mr. Parker submitted his report finding the District Munsif guilty on two out of the four charges preferred agains thim. The High Court accepted the Commissioner's finding, and directed the removal of A. Chendriah from the office of District Munsif with effect from the date on which he was suspended.

Inspection of Subordinate Courts by District Judges.

521. The important duty of supervising the subordinate Courts by means of personal inspection has been fairly carried out during the year.

The District Judge of Arcot (South) inspected all the Subordinate Courts and found them in good order.

The District Judge of Bellary inspected the Subordinate Judge's Court and the Bellary District Munsif's Court.

The District Judge of Chingleput inspected the District Munsifs' Courts of Chingleput and Trivellore twice and once respectively and found them in a satisfactory condition.

Inspection of Subordinate Courts by District Judges

The District Judge of Coimbatore reported that he had inspected all the outlying Munsifs' Courts and observed a marked improvement in the manner of doing business.

The District Judge of Cuddapah inspected the District Munsif's Court at the Head-quarter station.

The District Judge of Kistna inspected the District Munsif's Court of Bezwada.

The District Judge of Malabar (North) inspected the Subordinate and District Munsifs' Courts.

The District Judge of Nellore inspected the District Munsif's Court at the Head-quarter station.

The District Judges of Salem, Tanjore (South), Trichinopoly and Vizagapatam inspected the Courts of each of the District Munsifs in their Districts.

The District Judges of Arcot (North), Canara, (South) Ganjam, Godavari, Kurnool, Madura, Tanjore (North) and Tinnevelly did not inspect any Courts subordinate to them.

The District Judge of Malabar (South) who inspected only one of his subordinate Courts during the year, *viz.*, the Palghaut District Munsif's Court, remarks that he has very little time at his disposal for inspection of Munsifs' Courts and does not himself place much store on visits of inspection, that he would rather judge of the state of the Courts by results and by information from reliable sources which is always available than from a personal inspection. The District Judge affirms also that, in the Malabar District, at least, no Judge can shirk his work and not be found out, that occasional visits for examination of books and accounts are no doubt desirable, but the work could be as well done by a subordinate officer who would submit an inspection report. In these views, it is scarcely necessary to state the High Court does not concur; but the Court recognizes that many of the District Judges cannot spare the time necessary for the adequate performance of the duty of inspection.

The District Judge of Tanjore (North) reports that, although the Subordinate Courts were not inspected by him, he had sent for Registers of applications for copies from all the Courts, inspected and remarked upon them.

Bar and Court Libraries.

522. Several of the District Judges, notably Tinnevelly, Trichinopoly, &c., report the existence of Bar Libraries at their stations. The books in such Libraries have been catalogued and are stated to be well preserved.

It is obviously only at the more important Courts that Bar Libraries have a chance of being well established. Ordinary Law Libraries are, however, reported to exist in all Courts, and the state of these, with some exceptions, is described as on the whole satisfactory.

The District Judge of Salem reports that the Court Library is in a very good order.

Securities from Judicial Subordinates.

523. The District Judges report generally that the securities gvien by the judicial subordinates have been tested and found satisfactory; where it is otherwise, steps have been taken to obtain more satisfactory securities.

524. The information furnished by the District Judges regarding the Copyists, Establishments is abstracted in the following paras.

Copyists.

In the District Court of Arcot (North), there were 15 copyists, each with an income of Rs. 9, being a little over the fixed minimum.

The number employed in all the Courts of South Arcot was 35, and the sum collected during the year Rs. 4,606-9-1.

In the Coimbatore District Court, the number employed was 8 with an average income of Rs. 14 per month.

In Ganjam, the number employed was 4 in the District Court and 20 in the four District Munsifs' Courts. In the District Court, the fees to each copyist amounted to more than Rs. 13 a-month.

In Kurnool, the number of copyists was 3 in the District Court and 7 in the three Munsifs' Courts. There has been no delay in granting copies. Copyists.

In the District Court of Malabar (North), there were 15 copyists with an average pay of Rs. 11-15-3 a-month.

In Nellore, the number of copyists in the District Court was 10 with an average remuneration of Rs. 12 a-month each.

In the District of Salem, the number of copyists in the Courts was so regulated as to secure to each copyist an average monthly salary of Rs. 15 in the District Court and Rupees 10 in the District Munsifs' Courts.

In Canara (South), the number on the roll was 75, and the average remuneration Rs. 6-1-6 monthly.

The District Judge of Tinnevelly considers the Copyists' Establishment to be on a scale in excess of actual requirements.

The District Judge of Trichinopoly considers that at present copyists, as a rule, are too well paid.

The District Judge of Vizagapatam reports that copies are granted with fair promptitude by all the Courts in the District.

525. Some District Judges have omitted to report on the subject. It will be seen that there are considerable variations in the average incomes of the District Court copyists; the District Court of North Arcot yielding its copyists an average income of Rupees 9 only, while that of Salem gives an average income of Rupees 15 a-month. In the other District Courts which have reported on the subject, the income of a District Court copyist does not fall below Rupees 12 a-month. The extensive changes which the High Court proposes to introduce in this branch of the Judicial establishments do not fall to be considered in the present Report.

HIGH COURT OF JUDICATURE,
MADRAS,
25th September 1882.

T. WEIR,
Registrar,
Appellate Side.

APPENDIX.

I.—Imperial Statements.

JUDICIAL STATEMENT No. I.—(CIVIL AND CRIMINAL.)

STATEMENT showing the number of Judicial Divisions and the number of Officers exercising Appellate or Original Jurisdiction in the Province of Madras on the last day of the year 1881, with the cost of Tribunals.

PROVINCE OF MADRAS.		Area.	Population.	Number of Divisions for Courts under Chief Court, but superior to Chief Courts of Districts.	Number of Districts.	Number of Sub-Districts.	Judges of Chief Court of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of Districts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.	Original.		Appeal.		Total Receipts of the Courts.	Total Charges of the Courts.	REMARKS.
												Regular.	Miscellaneous.	Regular.	Miscellaneous.			
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Territory subject to the High Court.	Civil ...	...	...	...	26	128	...	...	...	28	144	1,83,412	3,74,613	8,570	1,573	30,85,236	24,51,912	
	Criminal..	52,457,012	30,868,504	...	26	355	5	...	...	25	751	1,45,365	35,877	3,628	808	5,08,626	7,32,975	
	Revenue..	...	...	...	20	93	...	...	...	...	93	4,114	2,517	...	...	28,489	1,10,731	
Territory not subject to the High Court.	Civil ...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	
	Criminal..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Revenue..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total...	52,457,012	30,868,504	...	24	192	5	...	...	25	873	3,32,891	4,13,007	12,198	2,381	36,22,351	32,95,618	

N. B.—This statement does not exhibit Village Munsifs.

JUDICIAL STATEMENT No. 1.—(Civil and Criminal.)—(Supplement.)

Statement showing separately the number of European and Native Judicial officers of each Grade exercising Appellate or Original Jurisdiction in the Province of Madras for the year 1881.

COURTS.	Original Powers.			Appeal Powers.			Grand Total.			REMARKS.
	European.	Native (including Eurasian).	Total.	European.	Native (including Eurasian.)	Total.	European.	Native (including Eurasian.)	Total.	
High Court Judges	4	1	5	4	1	5	4	1	5	
Presidency Small Cause Court Judges...	1	2	3	...	...	...	1	2	3	
District and Sessions Judges ...	21	...	21	21	..	21	21	...	21	
Subordinate Judges	1	13	14	1	13	14	1	13	14	
District Munsifs	...	111	111	...	...	...	...	111	111	
District Magistrates... ...	20	...	20	20	...	20	20	...	20	
Sub-Collectors and Joint Magistrates	15	...	15	15	...	15	15	...	15	
Assistant Magistrates ...	40	2	42	40	2	42	40	2	42	
Deputy Magistrates... ...	3	28	31	3	28	31	3	28	31	
Cantonment Magistrates ...	2	...	2	...	...	...	2	...	2	
Presidency Magistrates ...	2	2	4	...	...	...	2	2	4	
Other paid Magistrates ...	...	481	481	...	...	...	...	481	481	
Bench Magistrates	...	154	154	...	...	...	...	154	154	
Total ...	109	794	903	104	44	148	109	794	903	

JUDICIAL STATEMENT No. 7—(Civil.)

Statement showing the Number and Description of Civil Suits instituted in the Civil Courts in the Province of Madras in the Year 1881.

Class of Tribunals.	Suits for Money or Moveable Property.										Suits under the Rent Law.								Title and other Suits.																		Grand Total.	Remarks.
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work and materials.	Breach of contract not mentioned above.	Rent not falling under the Rent Law.	Moveable property or value thereof.	Damages.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal restraint, or other cause.	For puttahs or kabulyuts.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the Rent Law not included above.	Suits for immoveable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, fore-closure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under Section 261, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	2	29	30	31	32	33	34	35	36	37	38	
COURTS IN THE INTERIOR.																																						
I.—Civil Courts.																																						
Unpaid Tribunals	...	...	...	..	...	...	..	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	..	...	...	...	...	...	...	
Village Courts	5,430	24,147	7,770	3,225	3,539	445	263	959	1,861	17	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	47,656	
Paid Sub-Divisional Tribunals ..	53,136	15,335	8,937	2,415	8,038	616	994	9,498	4,035	1,083	...	...	...	...	...	...	..	...	14,152	546	354	6,332	551	68	58	345	15	87	798	...	53	3	4	19	5	1,432	1,53,903	
Small Cause Courts (at the Cantonments)	20	4	6	220	88	6	...	22	19	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	389	
District Courts other than Chief Courts of Districts	126	4	17	2	1	...	2	1	5	2	...	...	...	...	..	...	...	...	51	26	4	16	8	2	4	7	4	1	30	...	...	...	...	14	1	22	350	
Chief Courts of Districts ...	...	..	..	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	..	...	...	...	...	...	..	..	...	...	...	...	...	...	...	...	...	
Total ..	88,712	39,490	16,730	5,862	6,661	1,067	1,259	10,480	5,923	1,106	...	...	..	...	...	...	...	...	14,203	572	358	6,348	559	65	62	352	19	88	828	...	58	3	4	33	6	1,454	2,02,297	
II.—Revenue Courts.																																						
Unpaid Local Tribunals	...	..	...	.	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts ...	...	...	...	.	..	...	...	...	...	...	...	...	1,259	168	2,545	92	...	109	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	* 4,176	
District Courts	..	...	.	..	..	..	...	..	...	...	...	..	...	...	...	...	..	..	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	
Total .	...	...	...	...	..	..	..	...	...	...	...	...	1,259	168	2,548	92	...	109	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4,176	
B COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																																						
Presidency Small Cause Court ..	8,555	2,943	1,908	2,536	5,095	531	38	2,023	575	...	...	..	...	...	...	...	...	...	179	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	24,472	
Superior Courts ..	121	4	19	14	17	1	13	3	4	7	...	..	...	...	...	...	...	...	47	4	5	147	5	23	3	...	2	...	18	2	2	2	..	6	7	18	494	
Total...	8,676	2,952	1,927	2,544	5,112	532	51	2,026	579	97	...	...	...	...	..	...	...	...	226	4	5	147	5	23	3	...	2	...	18	2	2	2	...	6	7	18	24,966	
Grand Total ..	97,388	42,442	18,657	8,406	11,773	1,599	1,310	12,506	6,502	1,203	...	...	1,259	168	2,548	92	...	109	14,429	576	363	6,495	564	88	65	352	21	88	846	2	55	5	4	39	13	1,472	2,31,439	

* This represents only the Suits under the Rent Recovery Act (Madras Act VIII of 1865).

JUDICIAL STATEMENT No. 8—(CIVIL.)

STATEMENT showing Number and Value of Suits instituted in the Civil and Revenue Courts in the Province of Madras in the Year 1881.

VALUE OF SUITS.	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS.									Total Value of Suits.	Remarks.
	Not exceeding Rs. 10.	Ditto Rs. 50.	Ditto Rs. 100.	Ditto Rs. 500.	Ditto Rs. 1,000.	Ditto Rs. 5,000.	Ditto Rs. 10,000.	Exceeding Rs. 10,000.	Number of Suits the Value of which cannot be estimated in Money.		
1	2	3	4	5	6	7	8	9	10	11	12
COURTS IN THE INTERIOR.											
I.—CIVIL COURTS.											
Unpaid Tribunals	..	...	...	...	...	...	...	...	...	...	
Village Courts	46,677	919	55	...	1	1	...	...	...	2,96,329	
Paid Sub-Divisional Tribunals	18,020	73,643	27,033	29,507	3,155	1,798	88	83	575	2,38,63,565	
Small Cause Courts (at the Cantonments)	126	158	51	24	...	..	...	...	...	12,861	
District Courts other than Chief Courts of Districts	1	10	11	40	7	119	45	60	57	56,80,651	
Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	
Total	64,824	74,760	27,150	29,574	3,163	1,918	133	143	632	2,98,55,406	
II.—REVENUE COURTS.											
Unpaid Local Tribunals	..	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	961	1,968	500	392	31	12	1	1	310	2,19,651	This is the value of only the suits under the Rent Recovery Act (Madras Act VIII of 1865).
Collectors' Courts	...	...	...	...	...	...	...	...	...	...	
Total	961	1,968	500	392	31	12	1	1	310	2,19,651	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.											
Presidency Small Cause Court	11,883	9,003	18,25	1,523	238	...	...	...	...	8,92,428	
Superior Courts	...	...	...	45	47	235	25	19	123	18,59,000	
Total	11,883	9,003	1,825	1,573	280	235	25	19	123	27,51,428	
Grand Total	77,668	85,731	29,475	31,539	3474	2,165	159	163	1,065	3,28,26,485	

JUDICIAL STATEMENT No. 9—(CIVIL).

STATEMENT showing the General Result of the Trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Province of Madras in the Year 1881.

PART I.—CIVIL SUITS.

Class of Courts.	Total Number of Suits before the Courts.*	NUMBER OF SUITS DISPOSED OF.										Pending at the close of the Year.	Number of Cases pending more than three Months at the close of the Year.	AVERAGE DURATION OF SUITS.		Remarks.
		Transferred to Courts in other Provinces.	Without Trial.	WITHOUT CONTEST.				ON REFERENCE TO ARBITRATION.		WITH CONTEST.						
				Compromised.	Decreed on Confession.	Decreed *ex parte*.	Dismissed *ex parte*.	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or in part.	Judgment for Defendant.			Contested.	Uncontested.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—CIVIL COURTS.																
Unpaid Tribunals.	...	..	...	...	...	...	...	...	...	...	...	...	...	..	...	
Village Courts.	53,342	...	9,173	10,264	11,641	9,399	546	212	24	5,690	1,159	5,234	...	21	21	
Paid Sub-Divisional Tribunals	1,84,020	...	20,360	33,236	13,771	40,020	4,040	299	68	24,256	12,293	25,627	6,753	97	55	
Small Cause Courts (at the Cantonments)...	417	...	28	21	117	103	12	...	...	96	11	29	11	12	6	
District Courts other than Chief Courts of Districts...	556	...	42	59	16	60	2	5	1	77	94	200	100	290	122	
Chief Courts of Districts	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	
Total...	2,38,335	...	29,603	43,630	25,545	49,582	4,600	516	93	40,119	13,557	31,090	6,869	88	46	
II.—REVENUE COURTS.																
Unpaid Local Tribunals	..	...	..	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	†5,721	...	1,472	261	180	277	46	5	5	1,081	787	1,607	...	106	197	
District Courts	...	...	...	..	..	...	...	...	..	..	...	...	..	...	...	
												...	...	...	...	
Total...	5,721	...	1,472	261	180	277	46	5	5	1,081	787	1,607	...	108	197	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																
Presidency Small Cause Court ...	27,192	...	2,633	6,907	1,984	8,669	14	8	5	2,873	649	3,450	942	53	81	
Superior Courts	754	...	128	6	21	121	1	...	...	200	56	221	...	163	120	
Total...	27,946	...	2,761	6,913	2,005	8,790	15	8	5	3,073	705	3,671	942	..	...	
Grand Total ...	2,72,002	...	33,836	50,804	27,730	58,649	4,661	529	103	44,273	15,049	36,368	7,811	...	...	

* That is the total of the entries in Columns 3 to 13. Cases transferred from one Court to another *in the same Province* will appear only against the Court by which decided, or in which pending at the close of the year, if not decided.

† This represents only the suits under the Rent Recovery Act (Madras Act VIII, 1865.)

JUDICIAL STATEMENT No. 9—(CIVIL).

STATEMENT showing the General Result of the Trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Province of Madras in the Year 1881.

PART II.—MISCELLANEOUS CASES (JUDICIAL.)

Class of Courts.	Total Number of Suits before the Courts.*	NUMBER OF SUITS DISPOSED OF.										Pending at the close of the Year.	Number of Cases pending more than three Months at the close of the Year.	AVERAGE DURATION OF SUITS.		Remarks.
		Transferred to Courts in other Provinces.	Without Trial.	WITHOUT CONTEST.				ON REFERENCE TO ARBITRATION.		WITH CONTEST.						
				Compromised.	Decreed on Confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or in part.	Judgment for Defendant.			Contested.	Uncontested.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—CIVIL COURTS.																
Unpaid Tribunals	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	
Paid Sub-divisional Tribunals ...	2,23,143	1	8,966	5,135	20,229	140,351	8,036	56	8	23,682	12,339	4,349	504	21	4	
Small Cause Courts (at the Cantonments)...	...	...	..	..	...	...	...	...	...	...	...	...	..	..	...	
District Courts	10 227	1	1,226	41	748	5,481	575	1	...	952	684	518	56	42	16	
Total...	2,33,370	2	10,192	5,176	20,968	145,832	8,611	57	8	24,634	13,023	4,867	560	23	4	
II.—REVENUE COURTS.																
Unpaid Local Tribunals	...	...	..	...	...	...	...	...	...	...	..	...	..	...	...	
Other Subordinate Courts... ...	2,118	...	499	40	262	1,100	4	...	...	81	31	101	6	37	17	
Collector's Courts	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	
Total...	2,118	..	499	40	262	1,100	4	...	...	81	31	101	6	37	17	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																
Presidency Small Cause Court ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	87	...	...	...	...	...	...	...	...	...	74	13	...	...	...	
Total...	87	...	...	...	...	...	...	...	..	...	74	13	...	...	...	
Grand Total...	235,575	2	10,691	5,216	21,230	146,932	8,615	57	8	24715	13,128	4,981	566	...	...	

* That is the total of the entries in Columns 3 to 13. Cases transferred from one Court to another in the same Province will appear only against the Court by which decided, or in which pending at the close of the year, if not decided.

JUDICIAL STATEMENT No. 10—(CIVIL).

STATEMENT showing the Business of the Civil and Revenue Appellate Courts of the Province of Madras in the Year 1881.

PART I.—APPEALS FROM DECREES.

Class of Courts.	Total Number of Appeals before the Courts.*	Transferred to Courts in other Provinces.	Appeals summarily Rejected.	Dismissed for Default or otherwise not Prosecuted.	Heard ex parte.				Contested.				Pending.	Of these pending more than three Months.	Average Duration of Appeals.	Objections under Section 561, Act X of 1877.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
Appeals from Original decrees ...																	
A.—CIVIL COURTS.																	
Chief Appellate Courts other than Chief Courts of Districts .	3,400	...	3	143	91	25	23	9	1,140	342	464	147	713	94	99	134	
Chief Appellate Courts of Districts	6,940	...	55	362	198	35	30	10	2,512	662	832	313	1,986	757	188	158	
Superior Appellate Courts other than Chief Court of Province	...	...	...	...	...	..	...	...	..	...	...	..	..	...	...	...	
Total...	10,340	.	58	445	289	60	53	19	3,952	1,004	1,296	465	2,699	851	157	292	
B.—REVENUE COURTS.																	
Collectors' Appellate Courts.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																	
Chief Court of Province ... Appeals from Original decrees.	323	..	2	6	2	6	2	1	71	37	23	10	163	127	259	5	
Chief Court of Province ... Appeals from Appellate decrees.	1,377	...	123	23	25	1	16	5	388	61	84	43	608	359	255	5	
Total .	1,705	..	125	29	27	7	18	6	459	98	107	53	776	486	262	10	
Grand Total .	12,045	...	183	474	316	67	71	25	4,411	1,102	1,403	518	3,475	1,337	167	302	

* That is the total of the entries in Columns 3 to 14. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided, or in which pending at the close of the year, if not decided.

JUDICIAL STATEMENT No. 10—(Civil).

Statement showing the Business of the Civil and Revenue Appellate Courts of the Province of Madras in the Year 1881.

Part II—Miscellaneous Appeals (Judicial).

Class of Courts.	Total Number of Appeals before the Court.*	Transferred to Courts in other Provinces.	Appeals summarily Rejected.	Dismissed for Default or otherwise not Prosecuted	Head ex parte.				Contested.				Pending.	Of these pending more than three Months.	Average Duration of Appeals.	Objections under Section 561, Act X of 1877.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
Appeals from original decrees ..																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of Districts ...	30	...	5	...	...	...	2	...	12	3	6	1	1	...	31	...	
Chief Appellate Courts of Districts	734	...	98	42	116	1	29	2	214	33	123	19	58	2	52	2	
Superior Appellate Courts other than Chief Court of Province ..																	
Total ...	764	...	103	42	110	1	31	2	226	36	134	20	59	2	51	2	
B.—Revenue Courts.																	
Collectors' Appellate Courts ...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	
Total...	...	...	...	...	...	...	...	..	..	..	...	...	...	...	..	...	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																	
Chief Court of Province ... Appeals from original decrees.	191	...	7	8	9	...	5	1	47	5	28	8	66	28	160	...	
Chief Court of Province ... Appeals from appellate decrees.	93	...	7	3	4	...	1	...	51	1	11	3	24	13	171	...	
Total...	284	..	14	11	13	...	6	1	98	6	39	6	90	41	164	2	
Grand Total...	1,048	...	117	53	123	1	37	3	324	42	173	26	149	43	...	2	

* That is the total of the entires in Columns 3 to 14. Appeals transferred from one Court to another *in the same Province* will appear only against the Court by which decided, or in which pending at the close of the year, if not decided.

JUDICIAL STATEMENT No. 11—(Civil).

Statement showing the Result of Proceedings on Applications for the Execution of the Decrees of the Civil and Revenue Courts in the Province of Madras in the Year 1881.

Class of Courts.	Total Number of Applications for the execution of Decrees before the Courts.*	APPLICATIONS DISPOSED OF				Pending at the end of the Year.	Number of Applications pending more than three Months at the close of the Year.	AMOUNT REALIZED		NUMBER OF APPLICATIONS.											
		By Transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of Process.	Without the issue of Process.	On which the Judgment debtor was Imprisoned.	On which he was Arrested, but released without Imprisonment.	On which Movable Property.		On which Immoveable Property.			On which Possession was given.		On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than the preceding columns.	Remarks.
												Was Sold.	Was attached, but subsequently Released.	Was Sold.	Was dealt with under Sections 305, 322, or 326, Act X of 1877.	Was Attached, but subsequently Released under Section 275.	Of Moveables.	Of Immoveables.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
COURTS IN THE INTERIOR.																						
I.—Civil Courts.																						
Unpaid Tribunals ...	...	...	...	...	...	...	...	.	...	...	...	...	. .	...	...	...	. .	...	...	...	..	
Village Courts	...	...	...	. .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid Sub-Divisional Tribunals	1,26,151	3,130	3,2789	23.212	46,563	20,458	3,909	28,95,420	4,39,260	894	6,151	2,930	2,244	10,012	474	2,152	163	6,475	298	125	47,820	
Small Cause Courts (Cantt.)	186	7	130	43	...	6	...	1,551	1,218	3	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of Districts	875	55	3?8	116	14	204	93	4,97,905	2,34,457	18	47	32	28	80	15	14	12	44	3	7	275	
Chief Courts of Districts..	. .	...	...	...	...	...	. .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts... . .	...	...	. .	...	...	...	...	...	. .	. .	...	...	...	...	...	...	...	...	...	...	...	
Total ...	1,27,212	3,192	38,244	23,371	46,737	20,668	4,002	33,94,876	674,935	915	8,198	2,962	2,272	10,092	489	2,166	175	6,519	301	132	48,095	
II.—Revenue Courts.																						
Unpaid Local Tribunals...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts.	504	1	382	28	28	65	35	4,953	374	...	...	10	4	. .	...	...	11	48	...	...	363	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	
Total ...	504	1	382	28	28	65	35	4,953	374	...	...	10	4	...	...	...	11	48	...	...	363	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																						
Presidency Small Cause Court	12,469	...	7,825	722	...	3,922	2,106	27,381	1,32,703	446	1,263	233	171	...	...	...	...	33	...	...	6,158	
Superior Courts	280	...	145	63	39	33	...	...	...	8	27	6	...	94	...	43	1	68	...	...	...	
Total ...	12,749	...	7,970	785	39	3,955	2,106	27,381	1,32,703	454	1,290	239	171	94	...	43	1	101	...	...	6,158	
Grand Total ...	140,465	3,193	41.596	24,184	46,804	24,688	6,143	34,27,210	8,08,012	1,369	9,488	3,211	2,447	10,186	489	2,209	187	6,668	301	132	54,616	

* That is the total of the entries in Columns 3 to 7.

JUDICIAL STATEMENT No. 12—(CIVIL).

STATEMENT showing the Number and Result of Applications and Proceedings under Chapter XX, Act X of 1877, in the Province of Madras in the Year 1881.

CLASS OF COURTS.	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.								Number of Insolvents discharged during the Year under Section 355.	Number of Insolvents' Estates in the hands of Receivers in which Proceedings were finally closed during the Year.	AMOUNT OF CREDITORS' CLAIMS DEALT WITH DURING THE YEAR.		GROSS AMOUNT OF INSOLVENTS' ASSETS REALIZED AND DISBURSED.		REMARS.
	Total Number for Hearing.†	Transferred to another Province, Withdrawn, &c.	GRANTED.		REJECTED.			Pending at the close of the Year.							
			A Receiver being appointed.	A Receiver not being appointed.	Penal Proceedings under Section 359 not being taken.	Sentence of Imprisonment being passed under Section 359.	Applicant being sent to the Magistrate to be dealt with.				Admitted.	Satisfied.	Realized during the Year.	Disbursed during the Year.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Courts other than Chief Courts of Districts* ...	612	246	14	101	114	12	...	125	9	11	36,735	1,319	1,051	1,614	
Chief Courts of Districts	124	62	6	21	4	1	...	30	5	1	4,364	237	4,567	372	
Superior Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	736	308	20	122	118	13	...	155	14	12	41,099	1,556	5,618	1,986	

* Specially empowered under Section 360, Act X of 1877.

† That is the total of the entries in Columns 3 to 9. Cases transferred from one Court to another *in the same Province* will appear only against the Court by which decided, or in which pending at the close of the year, if not decided.

JUDICIAL STATEMENT No. 13—(CIVIL AND CRIMINAL).

STATEMENT showing Use of Juries and Assessors in the Civil and Criminal Courts in the Province of Madras in the Year 1881.

Classes of Courts in which Jurors or Assessors are employed distinguishing Criminal from Civil Courts.	Established or Average Number of Jury or Assessors in each case, and prescribed qualifications.	Number of Cases tried by Jury.	Number of Cases tried with Assessors.	JURY TRIALS.					ASSESSORS' TRIALS.			Remarks.
				Cases in which the Judge approved of the verdict.	CASES IN WHICH THE JUDGE DID NOT APPROVE OF THE VERDICT.		NUMBER OF PERSONS THE VERDICT IN RESPECT TO WHOM THE JUDGE DISAPPROVED.		Number of Cases in which Judge agreed with Assessors.	NUMBER OF CASES IN WHICH JUDGE DIFFERED FROM		
					Wholly.	Partially.	Whose Cases he referred under Section 263, C. P. C.	Whose Cases he did not refer under Section 263, C. P. C.		One Assessor.	Both Assessors.	
1	2	3	4	5	6	7	8	9	10	11	12	13
I—CIVIL COURTS.												
Chief Courts of Districts (or officers specially empowered) acting under Act X of 1870. Assessors	2	...	5	...	...	...	...	...	5	...	...	

* The Criminal part of this statement will be found in the Appendix to the Report on Criminal Justice for 1881.

APPENDIX.

II.—Special Statements.

I.—STATEMENT showing the number of Suits and Appeals instituted, disposed of and pending and of Petitions and Criminal cases disposed of in the District Courts (excluding the Agency and Nilgiri Courts) in 1881.

DISTRICT COURTS.	CIVIL.										CRIMINAL.		REMARKS.
	ORDINARY SUITS.				APPEALS.				PETITIONS DISPOSED OF.				
	Instituted.	Disposed of.	Pending.	Percentage of arrears to Institutions.	Instituted.	Disposed of.	Pending.	Percentage of arrears to Institutions.	Execution.	Miscellaneous.	Trials.	Appeals & Revision cases.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Arcot (North) ...	25	26	10	40·00	196	183	33	16·83	73	285	94	9	
Arcot (South) ...	4	4	1	25·00	252	182	11	4·37	4	142	61	36	
Bellary	6	6	4	66·66	179	51	37	20·67	16	218	114	25	
Canara (South) ...	1	3	2	200·00	502	334	193	38·45	3	579	56	22	
Chingleput ...	21	25	13	61·90	303	344	198	65·35	113	489	56	8	
Coimbatore ...	14	14	8	57·14	199	188	56	28·14	31	151	64	27	
Cuddapah ...	11	20	5	45·45	149	180	43	28·86	31	374	54	21	
Ganjam ...	15	12	14	93·33	213	244	76	35·68	42	300	36	29	
Godavari ...	31	18	30	96·77	308	118	184	59·74	96	768	83	34	
Kistna ...	24	17	28	11·67	248	200	153	61·69	64	520	32	14	
Kurnool ...	4	3	2	500	54	56	5	9·25	18	79	44	16	
Madura ...	4	13	3	75	357	162	56	15·69	21	453	82	131	
Malabar North ...	3	3	3	100	606	240	189	31·19	1	1,573	40	9	
Do (South) ...	1	1	...	...	1,032	606	66	6·40	6	422	78	42	
Nellore ...	19	15	22	11·58	166	134	71	42·77	26	321	69	16	
Salem ...	28	28	19	67·86	235	272	106	45·11	58	663	80	34	
Tanjore (N)) ...	2	11	2	100·00	285	256	144	50 52	10	290	41	...	
Do (South) ...	2	3	...	...	423	229	78	18·44	6	344	59	35	
Tinnevelly ...	4	1	3	75·00	297	191	26	8·75	17	638	66	17	
Trichinopoly ...	18	18	8	61·53	226	339	110	48·67	53	356	72	56	
Vizagapatam ...	36	46	...	...	315	306	143	45·39	120	657	69	38	
Total...	263	287	177	66·04	6,545	4,935	1,978	30·22	809	9,622	1,370	619	

II.—STATEMENT showing the number of Ordinary Suits, Appeals and Small Causes, instituted, disposed of and pending and of Petitions disposed of in the Subordinate Judges' Courts (excluding Courts of Assistant Agents), in 1881.

SUBORDINATE JUDGES' COURTS.	ORDINARY SUITS.				APPEALS.				SMALL CAUSES.				PETITIONS DISPOSED OF		REMARKS.
	Instituted.	Disposed of.	Pending.	Percentage of arrears to Institutions.	Instituted.	Disposed of.	Pending.	Percentage of arrears to Institutions.	Instituted.	Disposed of.	Pending.	Percentage of arrears to Institutions.	Execution.	Miscellaneous.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Arcot, South, (Cuddalore)...	17	110	47	27·65	...	113	9	...	932	976	118	12·02	939	932	
Bellary	21	24	25	11·90	...	84	35	...	498	522	55	11·04	390	560	
Canara, South, (Mangalore)	27	39	10	37·04	..	550	44	...	...	..	...	...	100	411	
Godavari (Cocconada) ...	22	20	8	36·36	126	447	264	20·95	950	976	116	12·21	924	1,811	
Madura { East ...	51	52	17	33·33	...	25	17	..	976	966	95	9·73	1,398	1,276	
Madura { West ...	38	57	8	21·05	...	99	30	...	661	859	85	9·87	1,353	1,692	
Malabar N. (Tellicherry) ...	37	42	19	51·35	...	387	114	...	1,590	1,581	217	13·64	1,631	1,949	
Malabar (South) { Calicut ...	55	109	21	33·18	...	355	42	...	429	465	16	3·73	647	1,681	
Malabar (South) { Cochin ...	71	69	7	9·86	...	..	...	...	311	318	14	4·50	429	585	
Tanjore, North (Negapatam)	79	107	51	64·56	...	118	1	...	1,693	1,639	175	10·34	1,489	2,912	
Do. (South) { Kumbhakonam..	23	65	22	95·65	...	94	21	...	954	979	104	10·90	897	1,440	
Do. (South) { Tanjore ...	33	60	28	84·85	...	114	5	...	790	789	121	15·31	893	1,748	
Tinnevelly	44	57	24	54·55	...	213	5	...	776	757	138	17·78	857	1,239	
Vizagapatam	8	32	20	25	...	77	126	...	21	81	212	10·09	8	76	
	526	843	307	58·37	126	2,676	713	56·59	10,831	10,907	1,466	13·53	11,965	18,362	

III.—STATEMENT showing the Number of Ordinary Suits and Small Causes instituted, disposed of and pending and of Petitions disposed of in the Courts of District Munsifs (excepting those in the Nilgiris and Agency Tracts), in 1881.

DISTRICT MUNSIF'S COURTS.		ORDINARY SUITS.				SMALL CAUSES.				PETITIONS DISPOSED OF.		REMARKS.
		Instituted.	Disposed of	Pending.	Percentage of arrears to Institutions.	Instituted.	Disposed of.	Pending.	Percentage of arrears to Institutions.	Execution.	Miscellaneous.	
1		2	3	4	5	6	7	8	9	10	11	12
North Arcot.	Vellore ..	754	641	188	24·93	736	798	74	10·05	1,286	1,837	
	Sholinghur ...	886	998	130	14·67	429	556	21	4·90	884	1,491	
	Tirupati ..	738	810	354	47·96	11,20	1,537	177	15·18	725	1,767	
	Arni ..	820	781	509	62·07	763	743	65	8·52	824	2,267	
	Palamanér ..	400	485	94	23·5	206	211	22	10·68	602	801	
South Arcot.	Cuddalore ...	592	563	127	21·52	775	768	39	5·03	1,360	1,795	
	Chidambaram ...	832	743	279	33·53	668	641	51	7·63	1,171	1,752	
	Villupuram ...	802	672	251	31·30	1,067	985	151	14·15	1,126	1,745	
	Virdachelam ...	613	546	173	28·22	480	469	52	10·83	656	2,554	
Bellary.	Bellary ...	302	293	96	31·79	620	590	85	13 71	836	720	
	Penukonda ...	547	60 1	71	12·98	284	309	22	7·75	986	456	
	Naraindavergiri...	432	416	104	24·07	140	143	7	5·00	321	925	
	Adoni ...	321	325	62	19·31	185	193	16	8·65	405	234	
	Gooti ...	498	547	93	18·67	300	309	36	12·00	679	451	
Canara, South.	Mangalore ...	449	490	144	32·07	403	413	33	8·19	783	1,361	
	Kassergode ...	366	423	153	41·80	319	345	17	5·33	552	1,351	
	Mulki ..	282	315	97	34·40	271	250	41	15·13	294	1,072	
	Udipi ...	412	436	97	23·54	365	371	43	11·78	665	1,456	
	Barkur ...	272	292	64	23 53	337	329	39	11·57	613	718	
	Kandapur ...	450	443	118	26·22	621	563	114	18·36	596	1,245	
	Bantwal ...	269	231	107	39·78	145	136	26	17 95	249	679	
	Puttur ...	316	407	98	31·01	183	190	21	11·48	448	1,503	
Chingleput.	Chingleput ...	604	661	203	33·61	298	300	33	11·07	1,113	1,479	
	Trivullur ...	750	742	164	21·87	665	660	47	7·07	1,115	1,285	
	Poonamallee ...	733	700	221	30·15	606	625	32	5·28	1,682	1,941	
Coimbatore.	Coimbatore ...	750	830	206	27·46	456	484	16	3·51	675	927	
	Udamalpet ...	578	584	61	10·55	217	218	8	3·68	607	1,318	
	Erode ...	935	950	129	13·80	387	394	29	7·49	11·22	1,443	
	Karur ...	920	985	161	17·50	482	459	45	9·34	818	847	
	Kollegal ...	179	176	26	14·52	89	92	1	1·12	230	378	

III.—STATEMENT showing the Number of Ordinary Suits and Small Causes instituted, disposed of and pending and of Petitions disposed of in the Courts of District Munsifs (excepting those in the Nilgiris and Agency Tracts), in 1881.—(*Continued.*)

DISTRICT MUNSIFS' COURTS.		ORDINARY SUITS.				SMALL CAUSES.				PETITIONS DISPOSED OF.		REMARKS.
		Instituted.	Disposed of.	Pending.	Percentage of arrears to Institutions.	Instituted	Disposed of.	Pending.	Percentage of arrears to Institutions.	Execution.	Miscellaneous.	
1		2	3	4	5	6	7	8	9	10	11	12
Cuddapah.	Cuddapah	504	497	77	15·27	418	427	30	7 18	783	1,130	
	Vayalpad	213	218	38	17·84	200	212	9	4·50	342	1,045	
	Badwel	477	492	22	4·61	459	475	13	2·83	865	2,123	
	Kadiri	186	194	36	19·35	150	175	15	10·00	379	417	
	Nundalur	357	416	35	9·80	360	374	25	6·94	608	806	
	Prodatur	638	606	162	25·39	464	449	69	14 87	1,451	1,681	
Ganjam.	Berhampore	629	617	119	18·92	758	737	76	10·03	918	1,554	
	Chicacole	434	463	127	29·26	452	450	32	7 08	1,071	1,616	
	Aska	604	634	92	15·23	562	575	44	7.83	815	1,672	
	Tekkali	601	628	179	29 78	607	652	70	11·53	1,003	1,630	
Godavari.	Rajamundri	848	791	398	46 93	775	788	102	13·16	1,707	3,193	
	Coconada	326	376	104	31·90	778	844	40	5·14	1,542	2,030	
	Peddapuram	279	452	36	12·90	1,029	1,123	25	2·43	2.154	2,348	
	Amalapuram	1,014	1,023	398	39·25	722	746	45	6·23	2,069	4,410	
	Narsapur	707	797	582	82·32	816	829	59	7·23	1,119	3,059	
	Ellore	724	593	457	63·12	555	542	109	19 57	797	2,716	
	Tanuku	719	605	525	73.02	487	451	92	18·89	1,011	2,874	
Kistna.	Guntoor	899	823	377	41·93	861	881	101	11·73	1,148	2,247	
	Bapatla	980	937	314	32·04	868	890	86	9·91	938	1,131	
	Karompudi	553	584	94	16·99	450	484	30	6·67	584	731	
	Masulipatam	1,021	1,356	359	35·16	1,436	1,498	49	3·41	2,076	3,005	
	Beswada	629	668	278	44·27	960	1,056	30	3·12	813	2,783	
Kurnool.	Kurnool	425	428	41	96·47	295	296	20	6·79	601	1,005	
	Nandial	445	442	69	15·51	365	355	41	11·23	1,488	2,100	
	Kumbum	349	337	55	15·76	451	447	51	11·31	447	777	
Madura.	Madura	870	716	217	24·94	1,287	1,235	149	11·58	1,642	2,893	
	Tirumangalam	403	475	211	52·35	393	406	47	11·96	749	1,335	
	Sivaganga	699	749	206	29·47	1,518	2,135	102	6 72	1,959	2,836	
	Paramakudi	870	905	227	26·09	1,361	1,426	108	79·35	1,669	4,303	
	Dindigal	707	778	120	16·97	866	911	4	0·46	1,236	3,782	

III.—STATEMENT showing the number of Ordinary Suits and Small Causes instituted, disposed of and pending and of Petitions disposed of in the Courts of District Munsifs (excepting those in the Nilgiris and Agency Tracts), in 1881.—*Continued.*

DISTRICT MUNSIF'S COURTS.		ORDINARY SUITS.				SMALL CAUSES.				PETITIONS DISPOSED OF.		REMARKS.
		Instituted.	Disposed of.	Pending.	Percentage of arrears to Institutions.	Instituted.	Disposed of.	Pending.	Percentage of arrears to Institutions.	Execution.	Miscellaneous.	
1		2	3	4	5	6	7	8	9	10	11	16
Malabar North.	Tellicherry ...	549	553	214	38·98	2,040	2,060	89	4·36	1,878	3,457	
	Kavvai ...	645	643	167	25·89	1,642	1,642	118	7·19	1,912	2,433	
	Badagara ...	901	973	149	16·53	2,304	2,322	25	10·85	4,367	3,342	
	Pynad ...	790	761	288	36.45	1,815	1,671	255	14·05	2,235	4,044	
	Chavacherry ...	628	605	147	23·56	1,261	1,293	77	60·93	1,821	3,120	
Malabar South.	Calicut ...	912	883	282	30 92	2,119	2,101	55	2·60	3,408	3,436	
	Chavakad ...	502	618	141	28·09	612	595	38	62·09	1,219	896	
	Ernad ...	698	746	59	8·51	337	353	14	41·51	968	1,820	
	Palghat ...	1,008	998	211	20·93	996	980	48	4·32	2,465	1,355	
	Shernad ...	774	785	270	34·88	454	455	48	10·57	1,253	1,897	
	Betatnad ...	662	785	184	27·79	827	839	19	2·39	1,822	1,681	
	Kutnad ...	591	674	131	22·17	600	602	9	1·50	1,349	813	
	Nedungunad ...	561	695	54	9·80	580	598	21	3·62	1,171	1,733	
	Angadipuram ...	603	588	167	27·69	344	364	5	1·45	892	1,718	
	Temmalpuram ...	930	978	156	16·77	1154	1,151	12	1·04	2,076	2,220	
	Vytheri ...	390	377	53	13·59	224	225	7	3·12	471	927	
Nellore.	Nellore ...	999	1,046	181	18 12	655	656	50	76·33	1,294	1,536	
	Ongole ...	960	1,051	246	25·62	710	702	56	78·87	1,675	2,310	
	Kavali ...	652	764	65	99·69	417	436	32	76·73	1,281	1,85 1	
Salem.	Salem ...	747	706	197	26 37	591	595	25	4·23	1,365	253 9	
	Namkal ...	734	683	168	22·28	605	590	43	7·11	906	2,348	
	Tirupatur ...	496	474	122	24·59	620	619	42	67·74	1,113	1,949	
	Hossur ...	351	378	60	29·60	222	238	8	3 60	820	1,413	
	Dharmapuri ...	592	603	45	7·60	476	474	32	67·23	1,852	2,628	
Tanjore North.	Negapatam ...	449	411	137	30·51	681	684	50	73·42	882	2,464	
	Tranquebar ...	335	328	98	29·25	423	446	16	37·83	514	1,206	
	Mayavaram ...	265	281	25	9·43	621	630	12	19·32	691	952	
	Tiruvarur ...	359	391	42	11·70	756	778	8	1·06	775	1,049	
	Shyali ...	286	293	23	8·04	763	751	37	4·85	712	1,400	
	Tirutturaipundi ..	276	286	44	15·94	527	522	41	77·78	592	997	

III.—STATEMENT showing the number of Ordinary Suits and Small Causes instituted, disposed of and pending and of Petitions disposed of in the Courts of District Munsifs (excepting those in the Nilgiris and Agency Tracts), in 1881.—*Concluded.*

	DISTRICT MUNSIFS' COURTS.	ORDINARY SUITS.				SMALL CAUSES.				PETITIONS DISPOSED OF.		REMARKS.
		Instituted.	Disposed of.	Pending.	Percentage of arrears to Institutions.	Instituted.	Disposed of.	Pending.	Percentage of arrears to Institutions.	Execution.	Miscellaneous.	
	1	2	3	4	5	6	7	8	9	10	11	12
Tanjore South.	Tanjore ...	361	379	109	30·20	806	740	117	14·52	992	2,088	
	Kumbhakonam....	496	443	156	31·45	1,124	1,149	93	8·27	1,169	2,384	
	Pattukota ...	733	774	60	8·19	777	763	65	83·66	1,201	1,891	
	Valangiman ...	303	316	124	41·25	911	943	27	2·96	945	1,445	
	Mannargudi	457	500	90	19·69	1,195	1,193	75	6·28	1,365	2,419	
	Tiruvadi ...	363	479	70	19 28	665	704	36	5·41	1,082	1,670	
	Tanjore Addl. . .	396	424	123	31·06	414	447	33	7·97	666	2,213	
Tinnevelly.	Tinnevelly ...	467	425	165	35·33	710	698	64	90·14	695	2,286	
	Srivilliputtur ...	739	740	205	27·74	356	374	15	42·13	935	3,366	
	Ambasamudram .	561	512	187	33·33	11,50	1,149	60	52·17	909	2,970	
	Srivaikuntam ...	680	618	141	20·73	14,59	1,499	70	47·97	870	2,288	
	Tuticorin ...	672	679	140	20·83	601	607	41	68·22	911	1,975	
Trichinopoly.	Trichinopoly ...	901	985	405	44·93	12.56	1,259	167	13·29	1,926	1,715	
	Ariyalur ...	858	905	378	44·05	602	657	100	18·27	909	1,439	
	Kulittalai ..	819	879	280	34·18	522	562	40	76·62	1,108	442	
Vizagapatam.	Vizagapatam ...	783	632	177	22·60	905	917	160	17·67	1,500	1,155	
	Bimlipatam ...	381	515	29	76·11	548	558	29	52·92	603	929	
	Royavaram ...	539	512	132	24·49	702	683	59	84·04	1,121	3,077	
	Vizianagaram ...	472	538	118	25·00	556	520	77	14·03	640	310	
	Razam ...	540	653	95	17·59	669	695	50	74·74	819	1,493	
	Parvatipur ...	397	395	28	70·53	394	399	8	20·30	614	1,244	

IV.—STATEMENT showing the result of Appeals from District Judges to the Hight Court in 1881.

DISTRICT COURTS.	COURTS APPEALED FROM TO THE HIGH COURT.						NUMBER AND RESULT OF APPEALS AND SECOND APPEALS DISPOSED OF BY THE HIGH COURT.								
	ON THE FILE.			DISPOSED OF ON CONTEST.				NUMBER ALLOWED IN WHOLE OR PART.							
								Lower Court's Decree							
	Suits.	Appeals.	Total.	Suits.	Appealable Appeals.	Total.	Number dismissed.	Modified.	Reversed.	Reversed and Remanded.	Total.	Total number disposed of.	Percentage of Col: 13 to Col: 12.	Percentage of Col: 12 to Col: 7.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Arcot (North) ...	36	216	252	10	118	128	24	...	3	...	3	27	11·11	2·34	
Do (South) ...	5	193	198	2	105	107	27	1	6	9	16	43	37·21	14·95	
Bellary ...	10	88	98	3	33	36	5	1	2	...	3	8	37·50	8·33	
Canara (South) ...	5	527	532	2	195	197	4	...	...	...	...	4	...	...	
Chingleput ...	38	542	580	15	259	274	31	8	3	5	16	47	34·04	5·84	
Coimbatore ...	22	244	266	4	130	134	19	2	2	6	10	29	34·48	7·46	
Cuddapah ...	27	223	250	11	75	86	11	1	3	1	5	16	31·25	5·81	
Ganjam ...	26	320	346	8	127	135	19	4	1	1	6	25	24·00	4·44	
Godavari ...	52	302	354	10	79	89	7	1	8	1	10	17	58·82	11·24	
Kistna ...	92	353	445	9	118	127	9	...	...	...	...	9	...	...	
Kurnool ...	5	61	66	1	30	31	2	1	...	...	1	3	33·33	3·22	
Madura ...	16	218	234	11	137	148	14	1	4	...	5	19	26·32	3·38	
Malabar (North)...	6	429	435	...	230	230	21	1	3	2	6	27	22·22	2·61	
Malabar (South) ...	1	732	733	1	510	511	61	7	7	3	17	78	21·79	3·53	
Nellore ...	37	205	242	6	59	65	9	3	3	...	6	15	40·00	9·23	
Salem ...	52	378	430	21	162	183	21	2	20	3	25	46	54·35	13·66	
Tanjore (North) ...	13	400	413	6	221	227	39	9	6	3	17	56	30·36	7·49	
Tanjore (South) ...	3	307	310	2	198	200	22	5	4	2	11	33	33·33	5·50	
Tinnevelly ...	4	217	221	1	138	139	20	...	..	1	1	21	4·80	0·72	
Trichinopoly ...	26	449	475	9	210	219	42	11	2	...	13	55	23·64	5·94	
Vizagapatam ...	46	509	555	32	176	208	16	9	3	9	21	37	56·76	10·10	
Total.	522	6,913	7,435	164	3,310	3,474	423	67	79	46	192	615	31·22	5·52	

V.—STATEMENT showing the Result of Appeals from Subordinate Judges to the High Court in 1881.

SUBORDINATE JUDGES' COURTS	COURTS APPEALED FROM TO THE HIGH COURT. ON THE FILE. Suits.	Appeals.	Total.	DISPOSED OF ON CONTEST Suits.	Appealable Appeals.	Total.	NUMBER AND RESULT OF APPEALS AND SECOND APPEALS DISPOSED OF BY THE HIGH COURT. Number dismissed.	NUMBER ALLOWED IN WHOLE OR PART. Lower Court's Decree. Modified.	Reversed.	Reversed and Remanded.	Total.	Total number disposed of.	Percentage of Col : 12 to Col : 13.	Percentage of Col : 12 to Col . 7.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Arcot, North (*Cuddalore*).	157	122	279	77	109	186	26	...	2	1	3	29	10·34	1·61	
Bellary	95	119	214	12	47	59	6	4	1	1	6	12	50·00	1·17	
Canara, S. (*Mangalore*).	56	594	650	16	312	328	21	3	3	...	6	27	22·22	1·83	
Godavari (*Coconada*)	36	711	747	17	302	319	17	1	7	1	9	26	26·92	2 82	
Madura East	71	42	113	30	24	54	4	3	3	..	6	10	60·00	11·11	
Madura West	65	129	194	38	90	128	8	3	1	..	4	12	33·33	3·12	
Malabar, N. (*Tellicherry*).	63	501	564	26	333	359	19	2	2	1	5	24	20·83	1·39	
Malabar, S. Calicut ...	136	397	533	81	265	346	24	3	1	1	5	29	17·24	1·45	
Malabar, S. Cochin ...	78	...	78	15	...	15	...	...	...	...	...	...	...	...	
Tanjore, N. (*Negapatam*).	158	119	277	59	113	172	11	5	7	1	13	24	54·17	7·56	
Tanjore (S.) Kumbhakonam..	87	115	202	38	71	109	16	...	4	2	6	22	27·27	5·50	
Tanjore (S.) Tanjore ...	88	119	207	47	107	154	24	3	2	1	6	30	20·00	3·90	
Tinnevelly ...	81	218	299	24	194	218	19	1	3	2	6	25	24·00	2·75	
Vizagapatam ..	52	203	255	23	37	60	...	...	...	...	...	...	...	...	
Total...	1,223	3,389	4,612	503	2,004	2,507	195	28	36	11	75	270	27·77	2·99	

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following paper:—

From T. WEIR, Esq., Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, dated Madras, 9th October 1882, No. 2376.

I have the honor to forward, herewith, thirty copies* of the High Court Administration Report of Civil Justice for the year 1881, and to state that the Report of the Administration of Criminal Justice for 1881 will be submitted as early as practicable.

* In a separate parcel.

Order—dated 21st October 1882, No. 1649, Judicial.

This report is furnished later than usual, owing to some difficulty experienced regarding the new forms prescribed by the Government of India.

High Court—*Original Jurisdiction.*—Notwithstanding the existence of the Presidency Small Cause Court, whose powers have been lately extended, the High Court has concurrent jurisdiction in all cases where the claim exceeds Rs. 100, and in all but specific money claims within Rs. 2,000 the High Court is the sole judicatory within the city of Madras. The suits instituted in 1881 numbered 494, the average being 555 since the establishment of the High Court in 1862. About 54 per cent. were, as usual, within the cognizance of a District Munsif in the Mofussil; but 6 only, as against 26 last year, were such as might have been dealt with by the Presidency Small Cause Court. The decrease in this particular is attributed to the promulgation of a decision that the Small Cause Court, which cannot attach immoveable property in execution of its decrees directly, might do so through the High Court. It remains to be seen whether, the uniform institution fee at the High Court standing at Rs. 30, which is the fee payable at the Small Cause Court on a claim of 280 rupees only, the Small Cause Court, with its jurisdiction extended since the 1st July last to 2,000 rupees, will absorb its proper work, while a resort to the High Court offers a premium to plaintiff which is still very substantial, the fact of costs not being awarded by the High Court to the decree-holder in such cases notwithstanding. It is observed that the Government await an expression of the High Court's views on the propriety of introducing some such proviso as the following in the Table of High Court Fees, viz., "that where any suit cognizable by the Presidency Small Cause Court shall be filed in the High Court, the institution fee shall be the same as would be charged in the Small Cause Court under the law for the time being in force."

G.O., 4th March 1882, No. 235, Judicial.

The total number of suits standing for disposal during 1881 in the High Court, Original Side, was 754, of which 533 were disposed of, viz., without trial 128; without contest 149; after contest 256. The Insolvency Court work occupied one of the learned Judges for 59 days, the proposal to leave all petty cases of insolvency to the Small Cause Court not having been sanctioned by the Legislature.

2. High Court—*Appellate Jurisdiction.*—The appeals from original decrees were 192 against an average during the last 10 years of 156. Of these 36 were preferred from decrees of a Division Bench of the High Court. Deducting this figure, the appeals from each of the 22 Mofussil districts averaged 7, and in 5 cases only was this average exceeded. The total value involved in these 192 appeals amounted to 14½ lacs nearly, but in 57 cases only did the value exceed Rs. 5,000. Altogether 328 appeals, including those pending from 1880, stood for disposal, showing an increase of 42·50 per cent. over the average of the preceding 10 years; the number disposed of was 160, the number after contest being 141. The general average of pendency was 275 days; there is no appeal earlier than 1879 at present undisposed of, and only 8 remain of that year.

(*b*) *Appeals from Appellate Decrees.*—The average number of appeals for the last 10 years is 769, but in the year under review 1,002 were instituted; the average from each Mofussil district is 37, ranging from 106 in North Malabar to 1 in the Nilgiri Hills. The total value involved was 4 lacs nearly; 73 of these special appeals admitted of no money valuation; the rest are all classed below 5,000 rupees, and 698 of the whole below 500 rupees. Out of this file of 698 again there were 32 below 10 rupees; 185 below 50 rupees; and 129 below 100 rupees. The total for disposal was 1,377 against an average of 1,008.: there were disposed of 769, after contest 516; the average of 10 years' disposal being 773. The general average of the pendency was 206 days which is greatly above the average of past years, and is accounted for by the duration of 24 very difficult and important appeals. No less than 608 special appeals, against an average of 235 for the last 10 years, stood undisposed of at the close of the year, together with 90 miscellaneous appeals and other civil work. It is observed that a proposal to add to the strength of the High Court Bench is now before Her Majesty's Government, to whom a copy of the present report will be immediately furnished.

3. *Presidency Court of Small Causes.*—The report of this Court for 1881 has already been reviewed by the Government. In future, under the Act which came into force on 1st July last, it is declared subordinate to the High Court.

G.O., No. 365, dated 1st June 1882.

4. Civil Justice—*Courts under the High Court in the interior—Original Jurisdiction.*—(*a*) Village Munsifs. In this Presidency, under the Regulation framed by Sir Thomas Munro, every head of a village is ex-officio Village Munsif, with jurisdiction in specific claims for money or other personal property up to 10 rupees, or with consent of parties up to 100 rupees; and with power to assemble village panchayets for the adjudication of civil suits of a similar nature, without limitation as to amount or value. The High Court are taking steps to get in the returns under these heads in a more complete and reliable form than heretofore. It has been ascertained however that 47,656 suits were filed in these Village Courts during the year 1881; that about 6 per cent. of the headmen are engaged in these duties; that the aggregate value of the suits instituted was 3 lacs nearly, giving an average value of Rs. 6. The total number of suits for disposal was 53,342, of which 48,108 were disposed of during the year. As the total number of suits instituted in all other Courts was 159,915, the observation made by the High Court that the Village Munsifs' file was "*only* 2·96 of the total original litigation" is obviously erroneous. The village file is nearly 23 per cent. or more than one-fifth of the whole, the same as last year. Compared with the work of District Munsifs, sitting as Courts of Small Causes, the Village Munsifs stand as follows in the disposal of suits:—

	District Munsif.	Village Munsif.
Without trial	15·53	19·07
Without contest	61·84	66·20
With contest	22·53	14·78

In the Village Courts, the proportion of suits compromised was about the same as in the District Munsifs' Courts of Small Causes; while the proportion of decrees on confession was twice as large, as might be expected.

(*b.*) Excluding Village Courts, the regular suits instituted in 1881 were 72,395 against an average during the preceding year of 67,176; and the Small Cause suits numbered 87,520 against a like average of 91,948. Seven-eighths of the whole fell to the District Munsifs. As to the classes of suits, the following percentages are shown:—Real property 13·37; Revenue suits 3·30; all the rest related to money or moveable property, except a small item entered as "other suits." Some comparisons of suits in 1881 with the average of corresponding suits for the 10 preceding years are interesting:—

	1881.	Average of ten Years.
On contract in writing	83,282	75,958
Do. unwritten	15,343	19,009
For real property	21,379	28,098

The decrease in real property suits is remarkable; the figure for 1881 is lower than that for any year since 1871 inclusive; and as compared with 1880, there is a decrease of 11,178 suits. If the High Court can furnish a return, showing district by district, the figures under this head since 1871, the Government will desire the Collectors to offer their remarks on the subject

(*c.*) The total *value* of the suits instituted in 1881 was 30 lacs nearly, giving an average value of Rs. 188 per suit. As many as 95 per cent. were under 500 rupees, not far from 50 per cent. under 50 rupees, and 12 per cent. under 10 rupees. The proportion of suits disposed of was excellent; the total arrears being only 17 per cent. of the total instituted, and nearly 5,000 suits being cleared off over the number instituted in 1881. As already noted, seven-eighths of the litigation instituted came into the Courts of the District Munsifs. In Small Causes, these officers, as mentioned in the preceding paragraph, had 22 per cent. only of "contested" cases; in their ordinary jurisdiction, the same cases show a percentage of 37.

(*d.*) Before the District Courts, the aggregate number of suits filed in 1881 was 350 against an average for the last seven years of 285. The figures for 1881 include 48 summary suits under Chapter XXXIX of the Code of Civil Procedure. There appears no reason why such suits should be brought solely in the District Courts; a notification will issue authorizing District Munsifs and Subordinate Judges to deal with them, also. The number of suits filed was highest in the Kistna District Court (62) and lowest in South Canara and South Malabar (one each); the average for each district being 16. The average value per suit was large, Rs. 20,424; but 70 suits were within 2,500 rupees, a District Munsif's jurisdiction; they were filed in District Courts under special enactments. Including suits pending at the end of 1880, there were 336 disposed of, leaving 186 at the beginning of 1882. The contested suits numbered 170 or 46·43 per cent. of the whole.

5. Civil Justice—*Appellate Jurisdiction in the Courts under the High Court.*—There were 43 Courts vested with appellate jurisdiction; the appeals filed were 6,816 against an average of 6,684. South Malabar had 1,038, while the lowest number was in the Nílgiris, 8. The average value was small, all but about 11 per cent. falling under 500 rupees as follows:—

	Percentage.
Not exceeding 10 rupees	8·03
Above 10 and under 50 rupees	23·36
Above 50 and under 100 „	22·12
Above 100 and under 500 rupees	35·58

There were for disposal 10,340 appeals; 7,611 were disposed of, viz., 2,676 in Subordinate Judges' Courts, and 4,935 in District Courts; exclusive of 30 disposed of by the Agency Courts. The percentage of contested cases was 88·12. The average number of appeals disposed of in the preceding 10 years is 6,548; it is pointed out that the present increase is owing to the application of the procedure allowed in Section 551 of the new Code, viz., the power to confirm the decision of the lower Court without sending for the record and without serving notice on the respondent. At the end of the year, there were 2,699 appeals awaiting disposal; but of those 107 only were pending over 12 months, which is a reduction by 22·5 per cent. of the average of the previous 10 years, and to 49·5 and 38·6 per cent., respectively, of the figures

of 1879 and 1880. As to the general result of the appeals, in cases disposed of without contest, the percentage of reversals was 16; in other cases, the percentage was 26.

6. *General Remarks.*—At paragraph 477 there is exhibited the relative contribution of the several districts to the aggregate litigation of the year, excluding suits before Village Courts and Revenue Courts. The highest percentage to the total is in South Malabar, 10·76; the lowest in Kurnool, 1·44. Kurnool is the only district in which the judicial charges exceeded the judicial receipts. In Cuddapah the accounts are balanced; in all the remaining districts there is a distinct surplus; in South Malabar it is 1½ lac; the total surplus being upwards of 7 lacs.

(*b.*) The amount realized by the Courts on account of suitors (and in 75 per cent. of the contested cases the plaintiff was successful) was 41½ lacs. In 12,799 cases, adjustments of decrees were effected out of Court, while in 46,697 cases the execution proceedings proved wholly unfructuous. The judgment debtor was arrested in 3,450 cases, but actually sent to prison in 1,363 cases only: what was the average detention is not stated; this should be given in future reports, the parties imprisoned being classed as judgment debtors within and above 50 rupees, the law providing a different maximum term of imprisonment according as the debt is within or above that sum. Any person arrested or imprisoned in execution of a decree may apply to be declared an insolvent, but only about 500 applications appear to have been made during the year, though Chapter XX of the Code has been extended by the Government down to the Courts of District Munsifs.

(*c., Paragraph* 510.—The proposed redistribution of districts and the other matters touched upon here are still under discussion between this Government and the Government of India, and it would have been better to have omitted all reference to them in the present report.

(*d.*) The supervision of the lower Courts by the District Judges is said to have been fairly carried out; but this statement seems hardly borne out by the following figures:—

	Judges.
Did not inspect any Court	9
Inspected one Court only	4
Do. two Courts only	3
Do. all the Courts	6

The report states that "the High Court recognises that many of the District Judges cannot spare the time necessary for the adequate performance of the duty of inspection." The Governor in Council however observes that time must be found for this most important function, and he requests that the High Court will issue fresh instructions to the District Judges in the matter, to provide for the work being systematically performed, year by year.

(*e.*) The Government regret to notice that a District Munsif was removed from office for receiving a gratification other than legal remuneration. This is the only case of serious misconduct reported.

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the Honorable the Judges of the High Court, with C. L.

Exd. J. Wright.

Govt. of {1882} Madras.

JUDICIAL.

Issued

Recd. *Encl.*

G.O., 21st October 1882, No. 1649.

OCTOBER.

Civil Justice.

Reviewing the High Court Administration Report, — , for the year 1881.